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ABSTRACT

This guide, which is intended for new supervisors and managers to use in an independent study setting, deals with maintaining working relations with organized labor. The following topics are discussed in the individual sections: good personal relations (psychological aspects, wages and job security, a good working environment, techniques for developing an interest in the job, methods of introducing new employees, and procedures for settling workers' grievances); ways of dealing with workers collectively (relations with trade unions and shop stewards, work discipline, procedures for bargaining over working terms and conditions, facilities for trade union activities, and ground rules for workplace regulations); workers and the law (ways of tackling a legal problem, sources of official legal information, three management functions that are closely affected by the law (hiring and firing employees and maintaining health and safety at work); and communications (the need to communicate, communication techniques, interviewing techniques, consultations, and strategies for giving instructions). Checklists and exercises are provided in each chapter. The qualities of effective supervision are reviewed in a concluding chapter. Appendixes contain information on welfare legislation, the judicial structure in Britain, and guides to employment law. (MN)

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THE SUPERVISOR AND THE ORGANISED WORKER

Tony Corfield

the supervisors 'self-development' series 4

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A SUPERVISORS' MANUAL

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INSTITUTE OF SUPERVISORY MANAGEMENT

THE SUPERVISOR AND THE ORGANISED WORKER

FOREWORD

It is often said that the most important asset of any Company is the people employed therein, for on them depends the effective use of other assets, like buildings, machines, finances, services and so on. In order to make sure that the skills of people are properly utilised an organisational structure has been developed over the years which shows how jobs relate to each other in importance and from that the degree of responsibility and the amount of authority delegated to each level. This is known variously as the pyramid or the family tree or the chain of command; it has the Chairman or the Chief Executive at the top and the mass of workers at the bottom with Supervisors and Managers somewhere in between.

Like any other chain this one is only as strong as the individual links and success depends entirely on the degree of mutual trust and confidence built up between the various team leaders and their subordinates at each level. In other words success depends on human relationships.

Mr. Corfield does not believe that Supervisors can isolate their departments from what is happening elsewhere in the enterprise but he does stress that they can influence affairs by their straight forward dealings with their own Shop Stewards. In this way trade unions become human rather than institutional.

However, it is true to say that, with the increase in the power of the trade unions in recent years, and the devastating effects of industrial action on the financial stability of companies, a practice has developed for industrial relations to be conducted at a fairly high level in the organisation.

One result of this is that Supervisors are often omitted not only from the tactical talks on management/union issues but from the negotiations which follow and even from the communication system which publicises the results.

This is bad enough of itself, but the problem is compounded when a member of the Supervisor's work team – the shop steward – is actually participating actively in the negotiations. In this way a vital piece of managerial authority – information – is not only lost to the Supervisor but is handed over on a plate to his subordinate.

Clearly it is desirable for Supervisors to be involved in the practice of industrial relations. It is vital that they be kept informed of developments. It is essential that they be given sufficient information on each issue to be able to explain the results and the reasons to members of their teams and to be in a position to answer pertinent questions.

The Supervisor remains a key link in the chain of command and must be regarded as a member of management when dealing with organised labour, for as stated elsewhere in this book, the Supervisor now has to plan, organise, motivate and control and to do them all in a bargaining context. No easy task, but nothing worthwhile ever is.

FOREWORD by Allan F. Blacklaws O.B.E.
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INTRODUCTION

Management commentators in recent years have taken a somewhat jaundiced view of the role of supervisors. Peter Drucker of New York University's Business School sees a half-century decline in their status, importance and esteem. They have become a buffer between higher management and the workers. There can be little doubt that some first-line managers have felt themselves overrun in the manoeuvrings and confrontations between employers and employees over who should control workplace relations.

Some of them might excusably have felt they were surrounded outposts in the no-man's land between the employer's claim to managerial prerogative and the trade unions' to widen the range of joint regulation over all aspects of the working environment. Collective bargaining has led to shop stewards' committees dealing direct with higher management on an ever-increasing number of issues and making decisions, many of which the first-line supervisors only hear about later.

This tendency may now have been arrested and sharply reversed. One of the effects of the recent spate of employment legislation in Britain has been to create rules, policies and procedures for areas of workplace relationships – over discipline, health and safety maintenance, and trade union functions – which were previously largely uncharted. In these the supervisors should be able to gain a recognised place and function, and should again know clearly where they stand. They should be able to make decisions with reasonable confidence that the ground is firm under their feet and the rules of the game are known and respected.

Another recent development which has reinforced the status of first-line supervisors has been the trend away from individual incentive payments towards systems of measured day work. Responsibility for pacing the rate of output has been removed from the individual worker and replaced on management. Many more supervisors have regained responsibility for maintaining the flow of production and ensuring that individual work standards are kept up.

The emergence of trade unions with membership in the millions on the one side, the huge concentration of capital resources on the other, and the deep penetration of Government into industry and into the workplace have virtually redrawn the map of industrial relations. In this new world of industry the corporate roles of labour, capital and government have gained increasing importance. Supervisors need to re-think their own role in relation to them. In such a system size becomes one of the major parameters, and supervisors are the most numerous of management. On this criterion they are first, not last in the line. No less important is their tactical position. Collective labour has now asserted its right to a greatly extended and enhanced role in industry. The supervisors, alone of management, are in direct and daily contact with the labour force. They are at the point where paper plans are translated into human action and productive reality. They are the only representatives of management with whom the majority of shop-floor workers have any close and continuous communication. They are – or they should be – the major channel through which management decisions come to them. In the eyes of many of the workers, they are the management.

The new corporate dimensions of the workplace do not remove the supervisor's responsibility to be able to organise and motivate workers as individuals. In many respects, far from diminishing the individual importance of the worker, recent developments have enhanced it. All employees, whether high or low in the establishment, now know that they can call up union and legal support if they feel dissatisfied or threatened. To deal with them positively and confidently, management skills of judgement and personal leadership are needed as much as ever. But they have often to be expressed in a collective context.

This manual attempts to reformulate the requirements of effective first-line management in this new situation. It will examine the supervisor's function of dealing with people, of keeping up their morale, and getting them to work well, taking account of the fact that many of them, including the supervisors themselves, are members of trade unions, and expect to be dealt with in their corporate as well as in their individual role.

Throughout this manual references made to supervisors as men have occurred only because there is no suitable term in English which connotes both sexes. The great majority of supervisors in industry are still, in fact, male, but the advice in this manual applies, of course, just as much to women supervisors as to men.

SECTION 1 GOOD PERSONAL RELATIONS

THE PSYCHOLOGICAL ASPECTS

WORK MOTIVATION

Karl Marx was one of the first observers to recognise the importance of motivation for workers in industry. He pointed out in Das Kapital, published in English in 1887, that piecework was the most appropriate system of payment under capitalism. It gave the operative the incentive to go on increasing his rate of output and fuelling the expansionist dynamic of the system.

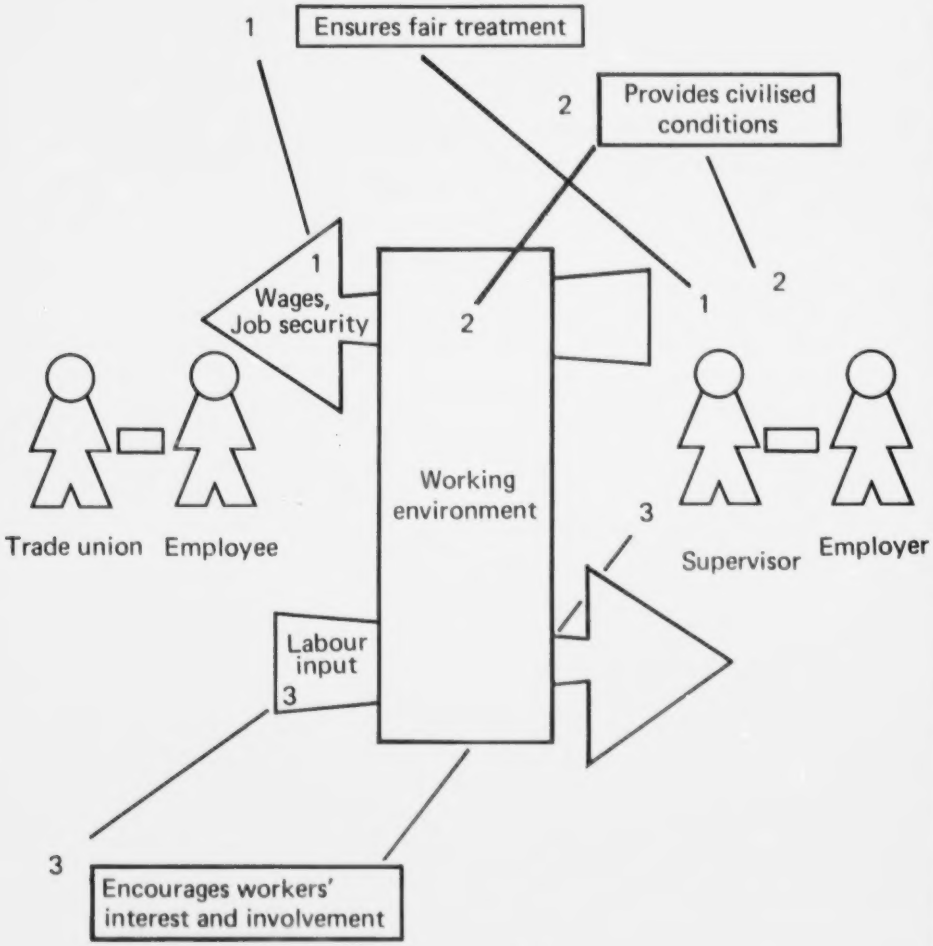
At about the same time, Frederick Winslow Taylor, the father of scientific management, facilitated a wide extension of incentive systems of payment at work in the U.S.A. and from there across the industrial world by means of time and motion study. In recent years there has been a reaction against reliance on a simplistic relationship between human effort and reward. One reason is that workers have become adept at stretching the links between payment and effort, and in consequence, for many employers, incentive systems of pay have become suspect. Another is that the view of what motivates workers has become more sophisticated. It is no longer accepted that people go to work solely for the wage. Marx had argued that workers were totally alienated from their production role and that life for them began only after work – in the inn and in bed.

American industrial psychologists in the 1920s were able to demonstrate that attitudes to work, even amongst operatives on simple repetitive jobs, were not just negative. Powerful group interests and loyalties were developed and working effectiveness depended greatly upon the outlook and cohesion of these groups.

Later still psychologists have emphasised the importance of self-fulfilment amongst workers. In 1968 the American, Frederick Herzberg, pointed out that over and above their basic material requirements for food, shelter and security, workers had social needs for group support and identity, and beyond these individual needs as well for personal achievement and esteem. Managers could

harness the responses to these needs by creating the right climate of attitudes in the workplace. Their task was to ensure that the basic physiological needs were satisfied and then to advance from this to develop the "motivators", the conditions which enabled workers to satisfy their psychological needs for self-fulfilment.

DIAGRAM 1 THE FRAMEWORK OF WORKPLACE RELATIONS



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THE INSTITUTIONAL CONTEXT

This more sophisticated analysis of human motivation at work has an obvious relevance for supervisors. Their attitude towards the people who make up their workgroup and the way job responsibilities are organised and controlled can either release or bottle up the workers' own creative responses. Workers' motivations do not, of course, exist in a vacuum. They express themselves through a variety of means, and in particular through their own organisations.

Trade unions, inside and outside the workplace, have become one of the main focuses through which workers develop a sense of common identity in industry, and by means of which they harness their drive for greater personal control over their working environment. Collective bargaining is no longer concerned exclusively with rates of pay and hours of work. The organised workers now demand a say in traditional management prerogatives over the planning, organisation and control of production. There are no limits to their horizons. Workers' participation in management at every level is a serious item on the political agenda in Britain.

WORK AS AN EXCHANGE

For this reason supervisors in dealing with workers' needs as individuals have to take account of the institutional context in which they are expressed. Getting the best out of their workgroup depends therefore partly on their success in establishing good working relations with the employees' own organisations. These two facets cannot in practice be separated.

In line with this approach this section of the manual takes its view of the work situation from the perspective of a bargaining relationship. Work is seen not just as a psychological need or an economic necessity, but as a process of exchange in which labour is given in return for monetary payments and a measure of job security. Job satisfaction emerges from all aspects of this exchange fitting together harmoniously – the conditions under which labour is given, the return in pay and security, and the working environment in which the exchange takes place. The role of the supervisor in relation to each of these will be looked at in turn. (See Diagram 1)

1. WAGES AND JOB SECURITY

THE ROLE OF WAGES

Money wages are no longer regarded as the exclusive motivation for work. Modern psychologists point out that people have many other needs and interests in taking employment. Once the basic physiological requirements are satisfied, a whole new series of social and psychological needs make themselves felt, which the mere receipt of pay may not be able to satisfy. Of course, pay is important – not only to meet the basic requirements of life, but as a measure of status, and to make available a richer choice of life-style.

At these higher levels, a sense of being treated fairly may be as important as the actual amount of the wage received. Supervisors are unlikely to have much influence over the general pay levels or pensions policy in the firm. These are determined at higher management levels. Nor can they change the method of working or the lay-out of the work. These again are likely to be mapped out – often in minute detail – by industrial engineers. They are likely to have a much more direct influence over how these rates and work methods are applied to individual employees. This gives them a direct hold on the important role of wage payment in generating a sense of fair treatment among workers.

FAIR TREATMENT

Being treated fairly does not in all circumstances mean being treated equally. Workers normally expect to earn more if they have greater skill, take more responsibility or work harder. Fairness depends upon dealing with everyone according to an accepted set of principles and applying them consistently.

The principles should ideally be set out clearly in management policies and negotiated agreements. If they have not been already laid down centrally, supervisors should ask permission to draw up their own for themselves. They should seek opportunities to discuss them with their workgroups and make sure that they are fully understood.

CHECKING WAGE GRADES AND ENTITLEMENTS

Supervisors should know about their workers' individual gradings and pay levels, the holidays they have taken, and what remains due to them, and must ensure that they are fairly treated. They must see to it that no one under their charge is denied his or her full entitlement within the wages scheme and any system of allowances in operation.

Job responsibilities may have been added to or a particular job may justify a higher place in the wages structure. Supervisors should take prompt action if they have grounds for believing that a case for a wage rate adjustment may have occurred and set an investigation in progress. They should not leave it to the shop steward to discover that an anomaly has arisen.

KEEPING RATES AND ALLOWANCES REALISTIC

Seeing that no worker receives less than his due is comparatively easy. For this the co-operation and support of the workgroup can usually be relied upon. Preventing sections of workers unfairly getting more than their due is likely to be much less popular. But this is no less vital to maintaining a sense of fair treatment amongst the workforce as a whole.

Supervisors should be among the first to know when short-cuts have been discovered in a method of work. These should be welcomed. They represent a contribution by the workers to greater productivity. But supervisors should not sit back and allow the structure of earnings to be distorted as a result of the simplification of method.

Sooner or later, the other workers not benefiting from the change will feel resentment, and the whole wages system may be discredited. Supervisors should do their best to ensure that the discoverers of the new method, either as individuals or as a whole department, are given a financial benefit for their contribution by some form of cash bonus. Then the rates should be revised to bring earnings back into general relationship with performance. Their ability to set the

adjustments in motion depends upon taking action quickly.

The longer the pattern is disrupted , the more difficult it becomes to get it back into line again. Rate adjustment normally involves negotiation with the trade unions, but supervisors must be ready to face this. They should have no difficulty. Most industrial agreements on payment systems provide facilities for joint review whenever the method of work changes. Supervisors need to ensure, of course, that every other department pursues the same policy. They will not retain the goodwill of their workforce for long if they are the only virtuous ones.

FAIR POLICIES FOR EXTRAS

Supervisors should see that they behave fairly in deciding who should get the offer of extra work attracting supplementary payments; in agreeing to paid absence for sickness or emergency; over allocations for overtime; or the temporary tenure of more highly rated jobs. A similar concern with fairness is, of course, just as important in allocating tasks which involve burdens rather than perks.

SOURCES OF INFORMATION

To carry out the role of ensuring fair treatment over work opportunities and rewards, supervisors need access to the relevant negotiated agreements, systems of wage grading, and wages payments, and any associated management policies on wages, holiday entitlements, pensions schemes, overtime, regradings or promotions.

They should either have their own personal copies of these, or be able to get ready access to them. Similarly, they should either keep their own or have ready access to the individual work and pay records of the members of their own workgroup. Though keeping this information may be the responsibility of a pay or personnel office, the supervisors are likely to be the most directly involved in any grievances or anomalies that arise. They should make it their business to be kept in touch.

2. A GOOD WORKING ENVIRONMENT

The second area over which supervisors have considerable influence

is the working environment itself. As the local representatives of management, they have a legal duty to keep it free from risks to health, safe, and to ensure that the basic amenities are provided.

THE LEGAL REQUIREMENTS

The Factories Act and the Offices, Shops and Railway Premises Act lay down basic standards for the working environment. Many people argue that these are too basic, and that the permitted levels for lighting and noise, for example, are not rigorous enough. Nevertheless, examples can be found in both offices and factories where many of the legal requirements even at present levels are not being met.

The regulations may be divided, somewhat arbitrarily, into those concerned with health and those laying down safety standards. Under health, the first requirement, and one often inadequately fulfilled, is to keep the premises clean.

Accumulations of dirt and refuse need to be removed daily, floors cleaned weekly, and the washing of walls and ceilings, and repainting at longer intervals. Standards are set for the number and conditions of lavatories, for both men and women employees; washing facilities; drinking water; accommodation for clothing; seating; eating facilities; lighting; temperature; ventilation; and noise levels; and there are minimum requirements for space to prevent overcrowding.

There is a longer list of safety requirements. Fire prevention and escape come high up on the list. First-aid equipment, and, in the larger workplaces, first-aid training also have a place. All the requirements have by law to be posted in a place where the workforce can read them. Supervisors need to read them themselves and make sure that they are scrupulously observed.

In Appendix 1 there is a summary, together with the sources of reference, of those of the requirements which apply to most factories and offices. This list is, of course, only a guide; the full details must be referred to in the texts of the Acts, Regulations or Orders themselves. These standards must be maintained, but many super-

visors will feel that they represent a bare minimum.

THE IMPORTANCE OF A GOOD ENVIRONMENT

Concern for the working environment is sometimes described contemptuously as cow psychology. On its own it may not be sufficient to make employees like their work. But a clean and well-equipped workplace indicates a concerned management, one that treats its workforce with respect.

It recognises them as people who are used in their domestic life to comfortable standards of living. Workers no longer have homes with a tin bath on a nail on the back wall, and flag-stoned kitchens. They live in a world of tiled bathrooms and fitted carpets. The workplace needs to be of the same period. Nineteenth century coketown squalor is an affront to the dignity of the modern worker.

Whilst insisting that minimum legal standards are maintained, supervisors should not be satisfied with just doing that. They need to set their own standards as to what makes up an appropriate working environment for men and women in the last quarter of the twentieth century, and use their influence to work towards them. Any workplace reflecting modern expectations should certainly handsomely exceed the statutory requirements. Re-equipment costs money, and supervisors may have limited control over making decisions about spending it. But their influence in the long run should be substantial. They do not have to wait to get results over daily cleaning and maintenance of the premises: vigilance on their part should have immediate effect.

A CO-OPERATIVE CONCERN

Workers now have a statutory right under the 1974 Health and Safety at Work Act to participate in maintaining good standards of health, safety and welfare. This is discussed more fully in Section 3 of this manual.

Safety representatives may consult with management, raise safety complaints, investigate accidents and carry out routine inspections to check that proper standards of health, safety and welfare are being maintained. Supervisors should be prepared to encourage this

participation. They do not need to wait for the shop stewards to make the first approach. They should be ready to bring forward proposals for channelling the safety representatives' rights into joint management-worker procedures, as the Health and Safety Commission recommends.

They should be familiar with the education and training facilities for health, safety and welfare, bring these to the notice of their workers, and play their own part in the direct briefings and discussions with their own workgroup.

The maintenance of a pleasant, safe and healthy workplace, since it affects their own well-being so directly, has been recognised as one of the most favourable areas to develop worker participation.

In part, its success will depend upon the willingness of the workers to accept responsibility, and in part, upon a sympathetic and encouraging attitude from management. The supervisor is strategically placed to influence both of these.

A COMMUNICATIONS OUTLET

Supervisors are in charge of a place of work, not a holiday camp, and their concern should be primarily focused on its fitness for production. The next responsibility - equipping the workplace with an effective communications link - really falls within this same category.

Many people argue that a productive labour force depends upon well-informed and committed workers. The employment laws endorse this point of view. They now compel employers to make an extensive range of information available to the workers. The Codes of Practice issued by the Health and Safety Commission under the Health and Safety at Work Act and by ACAS under the Employment Protection Act require management to supply information on a range of topics covering health and safety policy, disciplinary rules and procedures, trade union functions inside the workplace and on manpower, economic and trading developments relevant to collective bargaining. A notice-board is one almost indispensable outlet for much of this information.

Supervisors should ensure that a well-constructed, properly lit notice-board is available inside the workplace or somewhere within easy access. It should contain all the information that is statutorily required to be conveyed to the workers, or, if this is too bulky, prominent notices explaining where it can be obtained.

There should be information about developments within the firm, and notices of any policy statements, and on a separate section communications from the trade union. Supervisors need to ensure that the notice-board is properly maintained. Out-of-date notices need to be promptly removed and a tidy standard of presentation must be insisted upon. Intentionally or not, the notice-board will become an advertisement for the department. Supervisors should see that it is a good one. Incidentally, the extracts of relevant statutes and regulations under the Factories Act and the Offices, Shops and Railway Premises Act which have to be kept on view need a separate space for themselves as they are usually too extensive to be shown on a notice-board.

THE SUPERVISORS' INFLUENCE

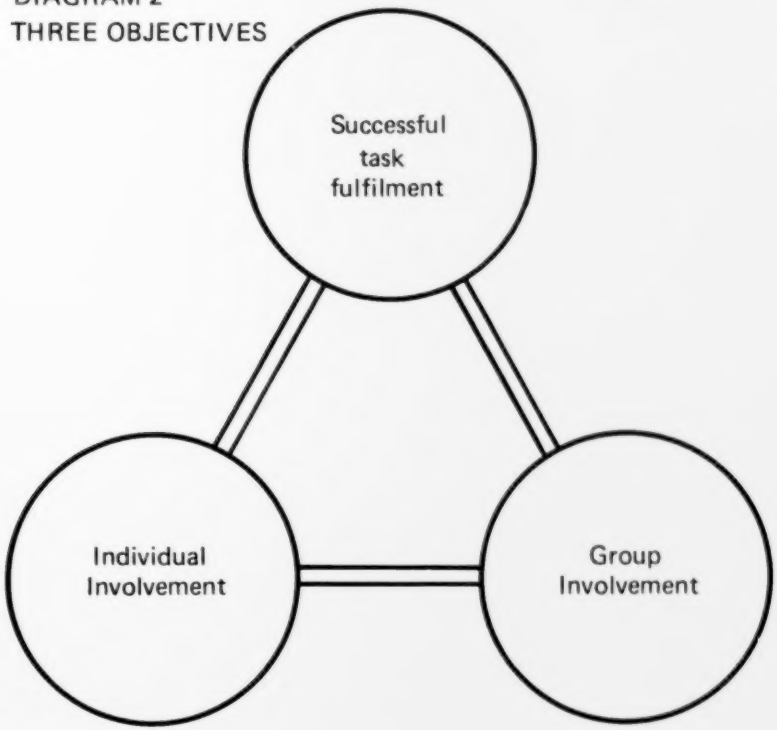
Supervisors have a duty to see that the working environment is pleasant to work in and provides for the intelligent participation of the workers in the activities of their enterprise. This should help lay the foundations for good personal relations. Workers should be encouraged to feel that they are being treated as civilised and intelligent human beings. Supervisors should remember that they themselves form an important element in the environment. Their attitude to work and to the workgroup is likely to set the tone for the department as a whole. They must do their best by their own attitude and conduct to make their workgroup feel that they are working with an efficient, concerned, co-operative and friendly management.

3. DEVELOPING AN INTEREST IN THE JOB

THE SUPERVISOR'S KEY ROLE

The supervisors perhaps more than anyone can encourage in employees additional motives for doing their job over and above the pay they receive at the end. Their attitude to their work will be powerfully influenced by the atmosphere the supervisors create in the department. This largely depends upon the supervisors showing that they are serious in their intent to draw on the experience and ideas of their workgroup, and this often means of their collective organisations, the trade unions, as well.

DIAGRAM 2
THREE OBJECTIVES



EFFICIENT MANAGEMENT

Workers are unlikely to generate any great enthusiasm for their individual contribution to production unless they feel confidence in the purposes of the enterprise as a whole, and its ability to achieve them. They must be made to feel they are members of a successful team. Such an impression depends upon management's side of the enterprise being conducted efficiently and purposefully, and supervisors who fully understand and can communicate its policies.

GROUP AND INDIVIDUAL INTERESTS

Much industrial production is by its nature team work. Fulfilment is likely frequently therefore to be a group experience. Supervisors must appreciate that they are dealing with groups who may have developed their own identities and loyalties, some of them to the trade union movement. Building a team relationship with their workers must often therefore mean getting on good terms with the trade unions.

But within the groups workers are individual people who have their own personal needs and ambitions. Supervisors who are on the spot to recognise and acknowledge their individual contributions, and to assist them with their particular problems can do much to give them a feeling of pride in themselves and in their work, as well as a sense of identity with the firm.

THREE OBJECTIVES

In persuading workers to take an interest in their job, the supervisor needs therefore to secure three objectives. (See Diagram 2, page 14)

i) The first is that management should be competent. The tasks it sets should be demanding but realistic, and it must show that it has the means and will to achieve them. If the workers fall down on a job because of poor organisation or leadership on the part of the management, they are bound to feel resentment that they have been "messed about"; or that they have been kept in the dark; and that their time and effort have been wasted. Job satisfaction depends first and foremost upon

jobs being well done. Supervisors must ensure that their part in this is beyond criticism.

ii) The second is that workers' individual contributions must be recognised.

a) Employees should be referred to by name.

b) Whenever practicable, their individual advice should be asked for when they are involved in individual tasks.

c) Supervisors should make a point of expressing appreciation whenever employees have in any way given their help, and, similarly, regret if anyone has been put to extra trouble or inconvenience. A word of thanks or sympathy costs nothing. To the person receiving it, it may be decisive in forming a positive attitude to his work.

d) Supervisors should encourage workers to develop their particular interests and aptitudes by recommending opportunities for training.

e) They should provide interest by demonstrating the relevance of the job in hand to the total product of the firm.

f) They should provide what opportunities there are for variation of work tasks, particularly for workers who are likely to respond to new challenges.

g) They should set standards of work that get the best out of employees and take pains to see that high standards are maintained.

iii) The third is that the workers' interests as a group must be satisfied.

a) People like being able to take an intelligent interest in their job, and the trade union movement is committed to extend the range of their influence through collective bargaining and ultimately, by legislation, to introduce formal workers' participation in management.

Supervisors should, whenever practicable, draw on their workgroup's experience and knowledge in deciding how to tackle workshop problems. They can be asked for their reactions to existing work processes and work methods; for their views as to any proposed changes in the methods of work; and on policies for health and safety. Wherever the workers are organised, this consultation is likely to be formalised and needs to be conducted in joint meetings with the official lay trade union representatives. (See Section 4 of this manual, page 121).

b) Employees should also be encouraged to participate in the voluntary services which are necessary in a workplace, for example, as workers to be trained in first aid, or to act as firewardens. If management themselves take these services seriously – and they have a legal responsibility to do so – the workgroup themselves will respond equally seriously. The workers' contribution to hazard prevention in the workplace is examined more fully in Section 3 of this manual. In this the trade unions have a legally-backed role. But in all spheres of voluntary service supervisors are likely to need to deal with the workers collectively through their trade union representatives.

To sum up, in generating a positive involvement in their work input from their workgroup, supervisors need to take effective action in three areas. First, they must manage efficiently so that tasks are successfully accomplished and there is general confidence in their leadership.

Secondly, the individual interests and aspirations of the workers must be developed, either independently or through their membership of the workgroup. Finally, the contribution that the workers can make collectively needs to be recognised and developed, in many cases by building up good relations with the trade unions.

INTRODUCING THE NEW EMPLOYEE

FIRST IMPRESSIONS ARE LASTING

An employee's first impressions on his arrival at work are likely to be deep and long-lasting. The supervisor can do more than anyone to ensure that they are favourable. Many big firms lay on special induction programmes in their training departments. This is one way of ensuring that all the information an employee needs to be given is conveyed as professionally as possible. But most new employees recognise that the training department is not the real working environment. They do not feel they have actually started their job until they have taken their place at their own workbench. The supervisor still has the responsibility of helping to make this arrival one that the new employee will remember with appreciation.

A PLANNED INDUCTION PROGRAMME

The induction of a new employee should fulfill three purposes. First, he (or, as appropriate, she) should be given a welcome by his supervisor; secondly, he should be introduced to his job and his workmates, and thirdly, he should be told the rules and procedures which need to be followed if he is to fit in happily and successfully. All this cannot usually be done in one session. The body of information which has to be imparted is now so extensive and specialised that it can only be properly digested if it is delivered in stages over a period. It requires a carefully planned and executed programme.

THE SUPERVISOR'S OWN INTRODUCTION

The supervisor should arrange the induction programme so that he personally gives the keynote talk, selecting the issues he wishes to pay central attention to, and then passing the new employee in turn to others. He needs to ensure that the whole programme is completed as arranged and for this purpose should note and record progress on a check list. An example of such a check list is set out on page 20.

In introducing the new arrival the supervisor should not only convey information, but communicate an attitude. The new employee should be made to feel he is going to fill a place in a team who will treat him as a friend and colleague, not as a number on a punch card. The supervisor needs to convince him of this by what he tells

him, the concerned and friendly manner in which he does so, and the efficient way the induction programme is carried through. The supervisor must, of course, ensure that the employee's subsequent experience at work lives up to his initial impressions.

In his opening talk the supervisor needs to introduce himself, and explain that he is the person to come to for help and advice. He should tell the new employee about the job he is going to do, the main conditions of employment: wage rates, hours, shifts, overtime, and holidays; the way the pay system works; how the new employee's job fits into the work of the department, and the department into the firm as a whole. Without being misleadingly optimistic he should seek to show the bright side of the enterprise.

The supervisor should also draw his attention to the standards of conduct and of work performance expected of every employee. This could well lead on to his mentioning the role of the trade unions in representing the employees and giving them the opportunity of expressing a collective point of view to management. He could then explain that the shop steward would in due course be invited to talk to the new employee directly. He should be careful not to sound grudging or defensive about this. In the great majority of bigger firms trade unions have arrived and are a fact of industrial life. The supervisor should demonstrate from the outset his ability to deal with them confidently and constructively.

THE OTHER INTRODUCTIONS

The employee should also be introduced to the worker nominated as sponsor to keep a friendly eye on him for the first few days and to help him find his feet. The sponsor should be responsible for showing him the arrangements for tools, materials and supplies, and work amenities like cloakrooms, washrooms, canteen, and so on. The employee should also be introduced to the nurse or the responsible person in charge of the first-aid facilities.

INFORMATION

The information which needs to be conveyed – some of which may

be included in the introductions already listed – includes the full details of the terms and conditions of employment, hours, shifts, overtime, holidays, etc. as well as an analysis of how the payment system is made up; the full job specification; works rules and disciplinary procedures for absence, lateness, misconduct and so forth; the method of raising complaints, including the role of the union; and the company's policy for health and safety at work.

All these are required under recent employment legislation. In addition, a new employee needs to be told about the work amenities the firm makes available to him, including any sports and social facilities, medical services, pension schemes and so on; and opportunities for education and training. Part of this information may be available in printed form. Some firms publish much of it in handbooks which are issued to each employee on arrival. Otherwise new employees need to be shown where the information is posted, and be given the chance to read it. They will need some further assistance, of course, to help them digest it.

CHECK LIST FOR AN INDUCTION PROGRAMME

Name – Works number of employee Date of arrival:

Subjects and people	Medium talk, document, film, etc.	Given by Signature and date
The Supervisor: who gives a keynote talk about his job, his workmates, his place in the firm, and his prospects, demonstrating goodwill and concern		
The sponsor: a fellow worker who keeps a friendly eye on him until he has settled in		
The shop steward: who tells him about union representation		

Subjects and people	Medium	Given by
The person in charge of the first-aid box or the medical centre who shows him where to get medical help if the need arises		
Other relevant persons:		
The full terms and conditions of employment		
The full job description		
The system of wage payment		
The method of raising complaints		
Works rules and disciplinary procedures: for clocking in, punctuality, absence and so on		
Union representation		
The company safety policy statement		
Pension scheme		
Works amenities		
Social amenities		
Training and education opportunities		
Other relevant information		

SETTLING WORKERS' GRIEVANCES

THE SUPERVISOR'S RESPONSIBILITY

It will not always be easy to reconcile the two purposes – to maintain targets for the output of goods and services and to keep a co-operative atmosphere in the workplace. Sometimes the two tend to diverge. But even if this does not happen, it is not in the nature of human beings never to fall out. The family is one of the tightest of our human organisations, yet squabbles in families occur almost daily. Grievances and disputes are just as likely in a workgroup, sometimes between worker and worker, and at other times between workers and management.

When these occur, supervisors are responsible for re-establishing good relations. They will not always be able to provide the whole solution themselves. If it is a quarrel between worker and worker, their role may be simply to talk sympathetically with each party and encourage them to resolve the problem mutually. Nor can they resolve disputes which go outside their own area of authority.

Workers may object to wages or to systems of work which have been determined by higher management. In this kind of situation all they can do as supervisors is to clarify what the complaint is, ensure that it is based on a proper understanding of the facts, and see that it is passed on quickly and clearly to the level of management concerned.

Organised labour now stands behind individual workers and in many workplaces trade unions have established the right to take up grievances on the workers' behalf. The implications of this are discussed more fully in Section 2 of this manual.

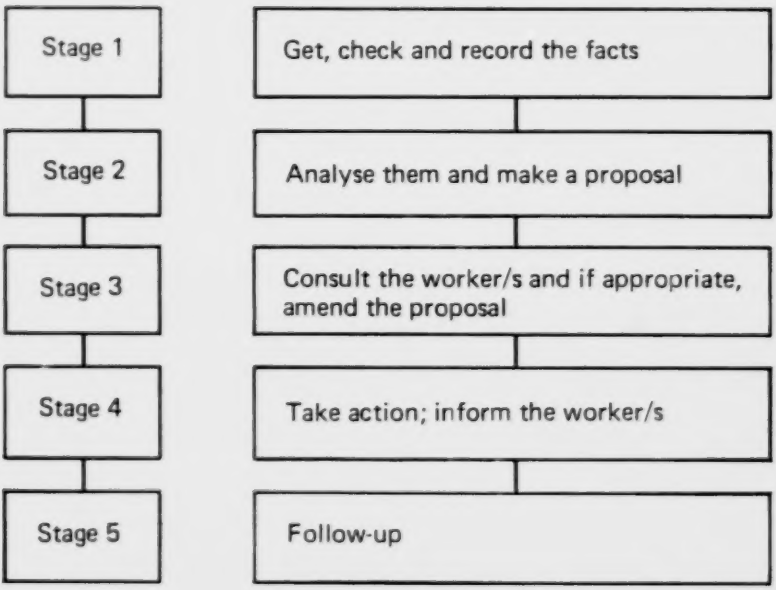
The existence of trade unions and negotiated grievance procedures do not, as a general rule, affect the initial stages of the supervisor's approach to a worker's problem. Nearly all negotiated agreements leave management free to resolve disputes directly with the worker concerned, before any reference is made to a shop steward or other trade union official. This is a reasonable provision. There is no sense in bringing in a trade union to clear up a problem which can

be dealt with directly between worker and management. Normally the trade unions only come into the picture after a break-down has occurred or if other workers will be affected by the decision.

DEALING WITH PROBLEMS SYSTEMATICALLY

Whatever the problem, supervisors need a systematic approach, and one is suggested here. This is not a magic formula: it is merely an approach which ensures that no vital step is left out. Supervisors will have to find out their own solutions to problems, but the procedure set out below will provide a method of making them stick once they have done so. The diagram below sets out the basic pattern. Diagram 4 is an elaboration of it designed to deal with an individual worker's grievance.

DIAGRAM 3 THE FIVE-STAGE METHOD OF DEALING WITH A PROBLEM



A PROCEDURE FOR HANDLING A GRIEVANCE

STAGE 1 THE INTERVIEW – FIRST PHASE (See Diagram 4)

A SYMPATHETIC AND PATIENT ATTITUDE

Some workers' grievances may seem trifling and petty; a proportion of them no doubt are. Indeed, some may exist only in the head of the employee making the complaint. It is nevertheless important for supervisors to investigate them all seriously, even if, on occasion they have to explain that there seems to be no real basis in fact for them. What may seem trivial to the supervisor could be of great consequence to the employee making the complaint. For this reason, too, complaints should be investigated without delay.

GETTING THE FULL STORY

Workers with grievances sometimes, understandably, have a one-sided view of their problem. Supervisors must ensure that they get all the sides of the story. They can do this by tactfully questioning the worker, and if needs be, getting information from others with relevant knowledge. They may also need to check the account from other sources – from pay slips, attendance records, and so forth. In some situations they may have to conduct an investigation of a site or of a machine.

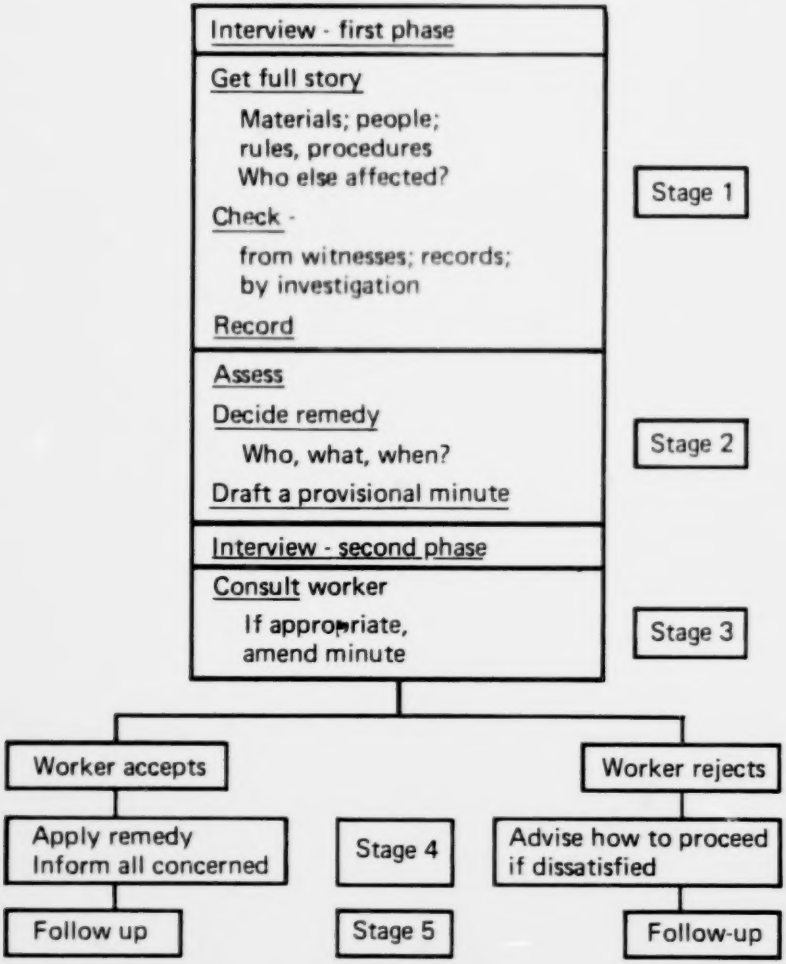
THE FACTS OF A CASE

The facts relating to a grievance often include physical events, machine breakdowns, sub-standard materials, faulty equipment, dirty accommodation. Supervisors must find out precisely what these were and how and when they occurred. The grievance may also have been caused by human attitudes.

In such circumstances it may be necessary to find out what people felt about each other and what they actually said. If the grievance arises from something that was said to an employee, it may be important to find out the exact words used. They should be noted word for word, and shown in quotation marks as, for example, Mr. Brown then said to me "You are an idiot". Quotation marks should, however, only be used when a witness is certain about the

exact words and the exact order in which they were spoken. If every word cannot be recalled, some such statement as: Mr. Brown made a disparaging remark to me which included the word "idiot", needs to be recorded.

DIAGRAM 4 DEALING WITH AN INDIVIDUAL GRIEVANCE OR PROBLEM



The facts of the case do not include only the physical and human relationships that occurred. It is necessary to find out also what rules and policies apply to them. Any assessment the supervisor makes must be based upon the merits of the case, and the merits will be partly determined by the working rules, policies and procedures within which an employee has to operate.

There may therefore be three sets of facts in a case: the physical circumstances, people's attitudes and behaviour, and the rules and policies applying to them.

ARE OTHER PEOPLE INVOLVED?

It is essential to know whether the problem or any proposed remedy will affect other people besides the worker with the grievance. It is no help to resolve one problem at the cost of creating several new ones. If the issue is likely to have wider effects, it should be dealt with at the outset on a wider basis.

RECORD THE FACTS

Evidence about the grievance should be noted down. Though most cases should be dealt with speedily, some complicated ones could take weeks to complete. A full and accurate version can only be retained if the main facts are recorded on paper at the time of the investigation. Check that any verbatim quotations of what people have said or written are set down in quotation marks.

STAGE 2 - ASSESSING THE CASE

In working out a solution to grievances supervisors need to decide whether a problem comes within their authority. If it does not, they should seek only to clarify the issues, and pass the problem on to the appropriate authority. They should not attempt to prejudge it.

In determining the appropriate solution they need to provide answers to three questions.

The first is WHAT action has to be taken. This could be at three levels:

i) in the material situation in the workplace: tools, machinery, work processes and the working environment;

ii) in the rules, policies and procedures covering the workplace; and

iii) in human attitudes and practices, levels of training, levels of information, etc.

The second question is WHO has to take the action. This might involve the workers, the supervisors themselves, and higher management. The recommendations need to be specific as to who these are.

The third question is WHEN. Changes often cause inconvenience and trouble so there is a natural tendency to put them off. Supervisors should, whenever practicable, indicate the time when decisions ought to be implemented. They should allow a reasonable period for any necessary administration to be completed, and then propose a specific date. They should bear in mind that changes involving capital development, even if they are readily agreed, may take some months to complete. They may wish in these circumstances to propose some interim measures which can be applied without delay.

Once they have made up their minds, their proposals should be recorded in a provisional written minute. This gives them precision and provides a basis for effective communication. (See Section 4, page 129 for an example of a minute)

STAGE 3. THE INTERVIEW – SECOND PHASE

If the issue does not require elaborate investigation, it may be possible to run the two phases of the interview together, and undertake them both at one and the same session. The second phase of the interview is to enable the worker himself to be consulted about any proposed solution before it is put into effect. The worker may have valid reasons for objecting to the proposals and may be able to suggest an acceptable alternative. In this case, supervisors should agree

to revise them. The written minute would need to be amended accordingly, signed and dated.

STAGE 4. APPLYING THE REMEDY

WITHOUT DELAY

Grievances should be remedied expeditiously. If this is not practicable, the employee should be told at the first opportunity and be given a full explanation for the delay.

WRITTEN REPORT

If the issue is important, the proceedings should be registered in an official report. Examples of a lay-out for a report and an actual report are set out on pages 29 and 30.

REJECTING A REQUEST

Supervisors will not be able to accede to every request from employees. They may not feel that a genuine case has been made out.

Whenever they are faced with the responsibility of saying "No", they should fully explain the reasons for their decision, and point out to the employee how the matter can be raised elsewhere if he is not satisfied. Negotiated grievance procedures normally allow workers to raise their grievances with their union representative, if they do not accept the initial decision from management, and some managements have their own direct systems of appeals. (See Diagram 4).

STAGE 5. FOLLOW-UP

Supervisors need to check after a suitable interval that the proposals have been successfully implemented.

LAY-OUT OF A GRIEVANCE REPORT

GRIEVANCE REPORT Firm:

Nature of grievance:

Name of worker with grievance:

Works No. and Department:

Reported to: Date:

Supervisor's assessment:

Rules, procedures, policies involved:

Others likely to be affected:

Recommendation: What?
Who?
When?

Date:

Action taken What?
Who?
When?

Signature .....
Official position .....
Date .....

Reported to:

Further action: (if required)

Signature .....
Official position .....
Date .....

EXAMPLE OF A GRIEVANCE REPORT

GRIEVANCE REPORT

Firm: Harley's Pharmaceutical Products Ltd.

Nature of grievance: Complaint of no washing facilities available for night watchman during period of duty from 10p.m. to 8 a.m. One outside lavatory only, without wash-basin.

Name of worker with grievance: Charles Gray

Works No. and Department: 4106 Security Department

Reported to: M. Wargrave, Security Supervisor. Date: 22.1.81

Supervisor's Assessment

Rules, policies and procedures involved: Factories Act 1961, Section 58 requires washing facilities to be available, applies to all manual workers. Harley's Welfare Policy statement (para. 16) refers to good standard washing facilities for all workers.

Others likely to be affected: 3 other night watchmen

Recommendation:

Complaint appears justified. No alternative provision available. Recommend Works Manager to arrange installation small wash-basin and water heater in outside toilet, as soon as possible.

Date: 22.1.81

Action taken:

Recommend Works Manager to arrange installation as above.

Signature: Martin Wargrave
Official Capacity: Security Supervisor

Date: 23.1.81

Reported to: A.F. Thompson, Works Manager; Charles Gray

Further action: Basin and water heater installed 20.2.81

Signature: Martin Wargrave
Official Capacity: Security Supervisor

Date: 21.2.81

CHECK LIST

SECTION 1

CREATING GOOD PERSONAL RELATIONS

1. FAIR TREATMENT IN WAGES AND JOB SECURITY

i) Ensure each worker gets his due in pay, gradings, etc.

ii) Ensure "short cuts" in work methods discovered by employees are rewarded by ex gratia payments, and performance ratings are brought back promptly into line.

iii) Allocate extra benefits and duties fairly.

iv) Keep up-to-date on each employee's system of wage payment, grading, individual work record.

2. CIVILISED WORKING ENVIRONMENT

i) Find out the legal standards of health, safety and welfare, and ensure they are applied as a minimum.

ii) Aim for higher standards in line with modern expectations.

iii) Get the workgroup to co-operate in maintaining the standards of the working environment.

iv) Instal a properly lit and well-maintained noticeboard.

v) Keep in mind that in the eyes of the workgroup, the supervisor is an important part of the environment, and should make it a pleasant rather than an unpleasant part.

Check List cont.....

3. DEVELOPING AN INTEREST IN THE JOB

i) Set an example by efficient and committed management.

ii) Recognise and encourage employees' individual contributions:

by addressing them by name
by seeking individual advice on specific problems, where practicable;
by expressing appreciation or sympathy;
by recommending workers with particular aptitudes for training;
by demonstrating the relevance of individual tasks to the total product of the firm;
by providing variety in work tasks, where possible;
by setting and maintaining high standards of work.

iii) Satisfy the workers' group contributions;

by consulting them and their trade unions and making use of their collective ideas by encouraging group co-operation in voluntary services in the workplace, like first aid training and hazard prevention.

INTRODUCING THE NEW EMPLOYEE

A planned induction programme with three purposes:

i) to give a welcome;

ii) to introduce the new employee to his job and his workmates;

Check List cont.....

iii) to tell him the rules and procedures which need to be followed.

Detailed check list on page 20.

SETTLING WORKPLACE GRIEVANCES

i) Sympathetic and patient attitude.

ii) What are the circumstances; materials; personal attitudes and behaviour; relevant rules, policies and procedures?

iii) Get the full story and check it – from witnesses, documents, investigation of the site, etc.

iv) Are other people involved?

v) Record the facts, putting verbatim quotations in quotation marks.

vi) Assess the case: is there a genuine grievance, how can it be remedied?

vii) Does it come within the supervisors' authority?

If it does not, clarify the circumstances and pass it on to the appropriate authority. Do not prejudge it.

viii) If it does, decide who has to do
what
when, to remedy the problem.

ix) Record the proposed decision in a provisional written minute.

x) Consult the employee. Has he any helpful suggestion which can be used?

xi) If so, amend the written minute accordingly, sign and date it.

Check List cont.....

xii) Apply the remedy promptly.

xiii) If the issue may be of importance outside the supervisor's own department, make out a written report.

xiv) Circulate the written minute or report to all concerned.

xv) If the supervisor cannot accept the employee's request, explain the reasons, and how the employee can proceed if he is not satisfied.

xvi) Follow up after a suitable interval to ensure that the remedy has been implemented.

EXERCISES

These consist of topics for group discussion, role-play exercises, and written tasks.

SECTION 1.

1. How much influence has the supervisor in obtaining fair treatment in wages and working conditions for the members of his workgroup? What are the main obstacles in the way?

2. How would you decide fairness in treatment as between the different types of employee in your department? Does it mean equal treatment?

3. List the conditions which go to make up a good working environment for your workgroup and indicate what you have to do as supervisor to obtain them.

4 Do workers bother to read notices? What items of information ought to be presented, and how ought they to be presented to ensure that they do?

5. List the ways you as supervisor can make individual workers feel they are not just "hands", but have an intelligent role to play in the enterprise.

Exercises cont....

6. Indicate some of the best methods of getting workers to take a pride in their firm (or organisation).

7. Complete the grievance report form, a copy of which is set out on page 29 of the manual, for an employee grievance you have dealt with recently in your own department. Pass the reports round the group for comment.

8. Think out a recent example of a grievance which one of your workgroup raised with you that you felt unable to deal with yourself. Explain the nature of the case, give the reasons why you decided you could not deal with it yourself, and describe how the matter was finally resolved.

9. Set out the points you would make to a newly recruited employee about the attractions of the job, using some of the suggestions on pages 18 and 19 of this manual.

10. Work out the scores on the motivation chart below for what you believe would be the attitude of:

    i) The top manager of your firm

    ii) Yourself as supervisor

    iii) One of the employees on the lowest rated grade of work.

    for each of the three aspects of the job.

    Try to assess opinions through the eyes of the people themselves.

    i) My pay and prospects are;

Very Good	(Score 100)
Good	(Score 75)
Reasonable	(Score 50)
Poor	(Score 25)
Very poor	(Score 0)

Exercises cont....

ii) My working environment is:

All I could wish for	(Score 100)
Pleasant	(Score 75)
Satisfactory	(Score 50)
Poor	(Score 25)
Unpleasant	(Score 0)

iii) My interest in the job itself is:

Absorbing	(Score 100)
Lively	(Score 75)
Fair	(Score 50)
Small	(Score 25)
Nil	(Score 0)

Divide each of the total scores by 3 to give a percentage co-efficient of motivation.

a) Compare results round the group and work out how close the correlation appears to be between the seniority of the job and motivation co-efficient.

b) Compare how scores vary for each of the supervisors in the group, and discuss the reasons for the variation in the work motivation that is revealed.

11. One of your employees has come to you as his supervisor with the following complaint: "I have been in this section for five years, longer than any other employee. I have been consistently overlooked for promotion on to the more responsible and highly-paid jobs in the section. I believe I am being discriminated against because of my Labour views and unless I can get an assurance of fairer treatment in the future I shall raise the matter with my shop steward".

You have examined the case carefully and agree that your employee has been consistently passed over for promotion to the more responsible and highly-paid jobs. But his performance on his present job is only barely adequate and you do not believe he could cope with any other more demanding type of work.

Exercises cont.....

Each supervisor in turn should work out his proposed reply to the complaint and then role-play the meeting with the employee to try to resolve the grievance. One of the other supervisors in the group should role-play the aggrieved employee. Role-players should assume that there is no relevant information available other than that provided in the brief. They should not invent imaginary circumstances which would materially affect the case.

At the end of the role-play the supervisors as a group should discuss the effectiveness of each supervisor's assessment of the problem and his handling of the role-play exercise.

12. Tick any of the following statements which accurately summarise the legal requirements and then check your answers from the information in Appendix 1 of this manual. Unless otherwise stated, assume the statements refer to both factories and offices, shops and railway premises.

i) Fire exits must be conspicuously marked.

ii) Seats should be provided in offices, shops and workrooms on the basis of one for each woman employed.

iii) Lavatories should be checked weekly for mechanical faults and clearance of blocked waste-pipes.

iv) Where more than 10 people are employed, doors on to staircases must open outwards, unless they are sliding doors.

v) Workers operating machines in factories and offices must work in natural lighting during the hours of daylight.

vi) Inside walls must be cleaned at least every 14 months.

vii) New power-driven machines must not be sold, hired or used unless they are effectively guarded.

viii) Manufacturing processes are forbidden in all underground rooms.

Exercises cont.....

ix) Workplaces (except those which occupy a very small area) must have a certificate from the fire authority that its fire-fighting staff are properly trained and equipped.

x) In a shop and a factory, each employing 75 persons, there should be one responsible person trained in first aid in each.

xi) Sweepings from the floor in all premises must be cleared away every second day.

xii) Adequate facilities for providing a supply of fresh drinking water should be available in all working premises.

xiii) Employees must know what are the prescribed means of escape in the event of fire, and must practise using them every three months.

xiv) No workers are allowed to work in sound levels averaging over 90 decibels without ear protection.

xv) A continuous supply of warm water with accessible soap and towels (or equivalent means of drying) in a clean and orderly condition must be provided.

xvi) Ventilation in all workrooms must be adequate, but special requirements are laid down for certain industries.

xvii) There must be special premises set aside for eating food at mealtimes.

xviii) Means of escape in case of fire must be checked at least weekly to ensure they are properly maintained and free from obstruction.

xix) There are no specific numerical limits for the temperature in the workplace for much factory work.

xx) Workers in factories have to have at least 400 cubic feet of space for each person employed up to 14 feet from the floor.

Answers on page 192

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SECTION 2 DEALING WITH THE WORKERS COLLECTIVELY

THE SIGNIFICANCE OF TRADE UNION ORGANISATION

It used to be said that management were employing whole people, not just hands. Today this needs to be amplified. The people they employ now are likely to have a trade union card in their wallet or handbag. The practical outcome for supervisors is that, when problems arise, or when decisions have to be taken, they have to deal with workers collectively, and not just as individuals; they have to take account of the organisational context.

RELATIONS WITH THE TRADE UNIONS

A FIRM BUT CO-OPERATIVE ATTITUDE

The first requirement for dealing successfully with the unions is to recognise that they have a legal and, many would argue, a moral right as well to represent the workers in their employment. Shop stewards should be regarded as having a legitimate function in the undertaking. They are not interlopers; they should be treated with consideration and respect.

This does not mean that supervisors may not have to be firm in standing by management policies, and in ensuring that rules and procedures are honoured, but they should be able to do this without creating resentment. They can always explain to the trade union representative that, as supervisors, theirs is not the final word, and that any problem can be taken further through the procedure if their decisions are not acceptable.

Occasionally differences between the two sides lead to disputes and stoppages, and strong feelings may be aroused. Supervisors should check any tendency to regard encounters with trade unions as in any sense battles in which there is a winner and a loser. They should keep reminding themselves that when it is over they must all be back working together again. The mutual trust and goodwill which will be essential then must not be sacrificed in the meantime. However much they are provoked, they must try to remain calm and court-

eous. It is up to management to set the standard. If they are scrupulous about this, they will find that the workers and their unions are likely to respond. They too recognise and affirm the need for civilised behaviour in industrial relations and for living and letting live on the shop-floor.

CONSULTING THE UNIONS

As a general rule, supervisors should be ready to bring the workers and their trade union representatives into discussion whenever their terms of employment, working conditions or job prospects look like being affected.

Readiness to listen to advice need not, of course, involve commitment always to accept or act upon it. Management may wish in certain situations to assert their own ultimate authority to make decisions. But if the decisions affect the workers' conditions of work or employment prospects, the present climate of opinion strongly supports their right to be at least consulted over them. Consultation is dealt with more fully in Section 4 of this manual.

ACCEPTING HELP

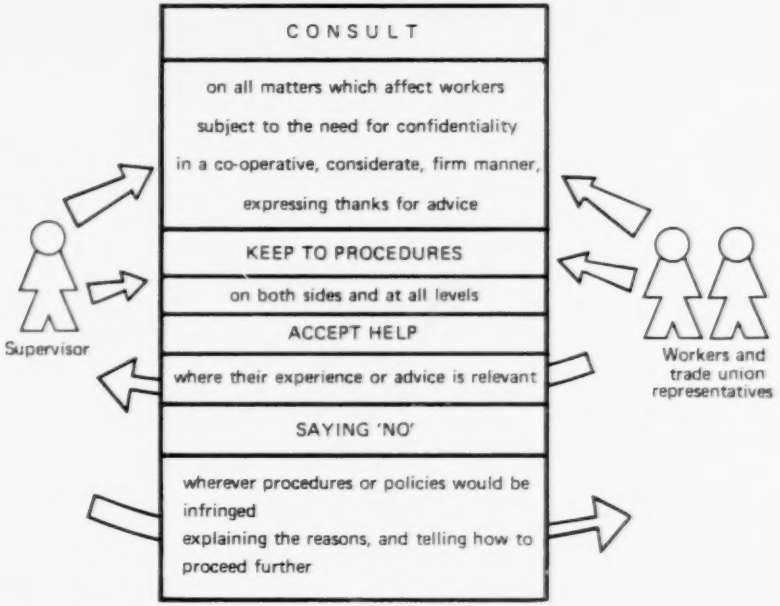
Supervisors should make a virtue of operating by consent. If the workers and their trade union representatives can provide useful advice in thinking out effective answers to problems, their help should be accepted with gratitude. This is, after all, the object of the exercise. The workers have their own relevant experience to bring to bear and their trade union organisation is one of the means through which they can express it.

SAYING "NO"

Whilst supervisors should go out of their way to be receptive and accommodating to proposals from the trade unions, they should never attempt to bend the rules or allow their judgement to be twisted under trade union pressure. If they do, they will not save themselves trouble, they will just build up for themselves bigger trouble in the future. If they do have to say "No", they should

fully explain the reasons for it and tell the workers and their representatives how to proceed if they are not satisfied with the answer. (See Diagram 5)

DIAGRAM 5


CONSULT
on all matters which affect workers
subject to the need for confidentiality
in a co-operative, considerate, firm manner,
expressing thanks for advice
KEEP TO PROCEDURES
on both sides and at all levels
ACCEPT HELP
where their experience or advice is relevant
SAYING 'NO'
wherever procedures or policies would be infringed
explaining the reasons, and telling how to proceed further
Supervisor
Workers and trade union representatives

RELATIONS WITH THE TRADE UNIONS

KEEPING TO PROCEDURES

Good relations between management and the trade unions depend upon both sides keeping to procedures and applying the rules, policies, and industrial agreements. The major responsibility here is management's. If they allow a rule or procedure to be broken by one shop steward or employee, without taking any action, they cannot be surprised if their attempts to apply it in another case are met with resentment.

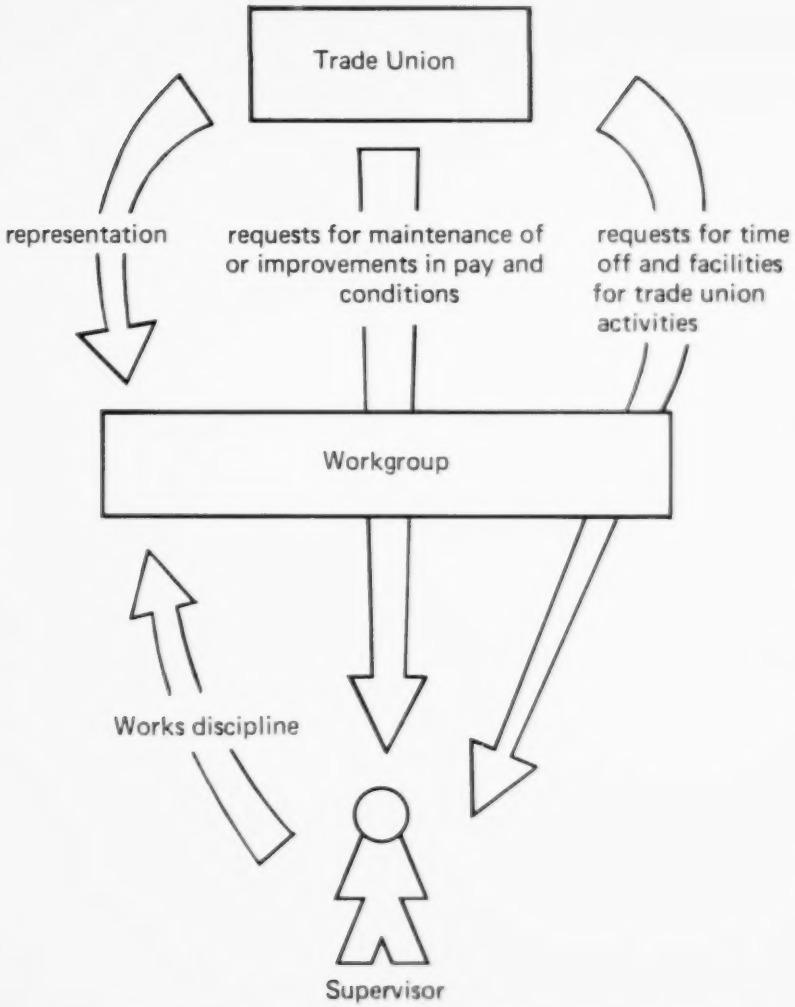
Effective procedures, consistent standards of discipline and equitable pay systems are indivisible. They must be applied right across the board. If there are lapses with any one employee, one group of workers, or in any one department, the whole system will be in danger of being undermined. One of the purposes of trade unions is to obtain standard conditions for all their members. They are bound to react to management inconsistency by attempting to create new standards and these are likely to be aimed at making the exceptional case the new rule.

The supervisor is responsible for maintaining consistency in two areas. He must watch that the shop stewards he deals with keep strictly to the procedure agreement, and he must scrupulously conform to the procedures and policies himself. He cannot, of course, control the behaviour of other supervisors or managers, but the maintenance of stable relationships depends no less on them.

THREE LIKELY SITUATIONS

Supervisors are likely to meet the trade unions in a whole range of their daily activities. Three that almost all supervisors must be involved in sometime in their careers are illustrated here. These are, first when disciplinary procedures have to be applied; secondly, when one or more workers make demands for the maintenance of or improvements in their terms and conditions of employment; and thirdly, when they submit requests for time off and facilities for trade union activities. (See Diagram 6).

DIAGRAM 6



SOME OF THE MAIN RELATIONSHIPS OF SUPERVISORS WITH TRADE UNIONS

THE SUPERVISOR'S RELATIONS WITH THE SHOP STEWARD

SHOP STEWARDS ARE INDEPENDENT

The trade union movement is independent of management and its purposes would be undermined if it were not so. Shop stewards are elected by their members: they choose who they want, not who management wants. But trade unions, even though they are independent, can be susceptible to influence. Supervisors should not resign themselves to a fatalistic acceptance – if industrial relations are bad – that they themselves can do nothing about them. They can help shape trade union conduct and attitudes. They are in close touch with the shop steward and by the nature of their relationship they have to work together.

The supervisors have a common interest with them in making the partnership productive rather than unproductive, and they are strategically placed to set an example which the shop stewards would find difficult not to follow.

THE INFLUENCE OF HIGHER MANAGEMENT

A constructive approach to trade union relations largely depends, of course, upon the whole industrial relations policy of the firm. This determines the general climate of opinion. It used often to be said that managements got the shop stewards they deserved, and there is obviously some truth in this. Many shop floor trade unionists do respond to the kind of treatment they receive. If they think management is a push-over they can hardly be blamed from time to time for giving it a push.

Alternatively, whenever they have reason to believe that management is looking for a fight, they must be expected to keep their guard up, and, when the opportunity arises, to get their blow in first. If, however, management stands firmly by its policies, but at the same time behaves intelligently and responsively to its employees and their union, it ought to be able to rely in return on their respect and co-operation. Virtuous management behaviour does not always reap its due reward; but there does appear to be some general correlation between good management and responsible trade unionism.

THE STRATEGIC IMPORTANCE OF THE SUPERVISOR

Supervisors cannot insulate their department from the enterprise as a whole. Good or bad relations across the plant are likely to reflect on their own standing with their shop stewards. There is, however, a great deal the supervisors can do in shaping relationships with the union in their own workplace.

For a start they do not meet the union as an institution, but in the form of shop stewards, as Harry, Joe or Brenda. They often become working colleagues and friends. Without necessarily intending to, the supervisors, by their example, are bound to make an impression on them.

THE QUALITIES OF A GOOD SHOP STEWARD

There are good and bad shop stewards, just as there are good and bad managers, and good and bad supervisors. Goodness in a shop steward is certainly not to be identified with pliancy or weakness. A weak shop steward who can be twisted one way by management is just as likely to be twisted back the other by his own members. The outcome will be instability and frustration for both management and workers.

Good shop stewards are those who have the knowledge, ability and character to stand up for their members but are susceptible to rational argument, and can be trusted to keep their word once it has been given. These qualities can be induced in part by good training; but they are also a product of outlook and attitude. The supervisors are well placed to provide the training – or to see that it is provided – and to develop the kind of personal relationship with the shop stewards which will encourage an appreciation of the value of integrity. It takes two to form a bond of trust. Their example in daily working conduct can impress upon the shop stewards better than any formal instruction the importance of not going back on their word.

LEARNING THROUGH EXPERIENCE

In spite of the extensive formal education for shop stewards in day

release courses up and down the country, it is probably still true that experience is the best teacher. The supervisors provide a great part of the experience of the shop stewards as workers' representatives. They have to control the procedures and play an indispensable role in any agreements the two sides may arrive at. By dealing with the shop stewards sympathetically, and by letting them see that their supervisors are men and women of integrity, they can give them daily practical experience of good industrial relations.

THE IMPORTANCE OF GOOD COMMUNICATIONS

One of the most widely observed weaknesses of shop stewards – and incidentally one of the most potent causes of industrial disruption – is the limited ability of some of them in communicating with their own members. A supervisor who is careful to put decisions and proposals in clearly written minutes can greatly assist his shop steward by letting him use a copy of the minutes as the basis of his own communications. If the shop steward has been consulted in drafting the minute, his confidence in it is likely to be all the greater.

Supervisors should bear in mind the advice in the ACAS Code of Practice that shop stewards should be given reasonable facilities for communicating with their members. By ensuring they get copies of the supervisor's own minutes and reports, by providing notice boards, and if the issue is of sufficient importance and urgency, by helping to provide facilities for direct reporting back, the supervisors can play their part in ensuring the progress of negotiations is accurately and promptly imparted to the workforce.

MAKING GOOD USE OF TIME

No supervisor should object to time – his own or the shop steward's – being given to the careful investigation and solution of workplace problems. But unnecessary protraction only wastes time and leads to looseness in procedure.

The supervisor's conduct of meetings with the shop stewards, though not hurried, should be businesslike. Discussions between them should always have a practical purpose, and the supervisor should bear in mind the need to keep the discussion on course and to come to an agreement as soon as practicable. Similarly, he should

not encourage adjournments during negotiating sessions. These can often be avoided by good planning.

If the shop stewards can be persuaded to present their proposals first in a written minute, the supervisor should be able to check the facts of the case and clear up any policy problems before the meeting starts. If in spite of this an adjournment does become necessary, the supervisor is advised to close the meeting and agree a new time for a fresh meeting either later in the day or on the following day. This should prevent the delays which often occur during adjournments while one party waits for the other to make up its mind. A brisk pace of work and concentration on the purpose in hand on the part of the supervisor should set standards to which shop stewards will become accustomed and adopt for themselves.

FORMAL TRAINING FACILITIES

The TUC's policy has been to insist that the training of shop stewards and safety representatives, undertaken in the public education sector, should be under the tutelage of the trade union movement. The TUC and the unions should control the recruitment of trade union students, and tutors and syllabuses should be acceptable to them.

These training courses are valuable for shop stewards and should benefit management as well. A trained shop steward is likely to be more consistent and reliable than one without training. In addition, many unions co-operate in joint training programmes with employers which are designed to deal with their own industrial agreements and procedures.

Whenever supervisors feel there are policies or developments which present problems to both parties, they might suggest to their own management the advantage of putting on courses in which shop stewards and supervisors could study them together. These may provide a forum for discussing the best methods of building up effective working relationships, based on an understanding of each side's problems.

Supervisors, a substantial proportion of whom have themselves been shop stewards and have had direct experience of study prog-

rammes, should be alert to the opportunities for training which they could draw to the attention of promising new shop stewards.

CONFORMING TO POLICIES AND PROCEDURES

Perhaps the two most important examples the supervisor can give his shop stewards are consistency in making decisions and conformity to policies and industrial relations procedures. These two conditions form the basis for any kind of stable and settled relationship between management and the trade unions. The supervisors can hardly expect the trade unions to maintain high standards on their side if they are not scrupulous in their own observance of them.

WORKS DISCIPLINE

A MANAGEMENT RESPONSIBILITY

Exceptionally, as in registered dock work and in coal mining, discipline has been jointly administered by the employers and trade unions. In most industries and occupations, however, the unions demand only the right to represent their members at disciplinary hearings and to take up cases through the disputes machinery whenever they feel that their members have been unfairly treated. Otherwise the responsibility for setting standards and applying discipline is left to management. Exercising discipline is unpleasant and nobody wants responsibility for it. But no organisation can run without it. Supervisors must make the best of a difficult job and ensure that it is carried out fairly and honestly.

In doing this they have been greatly helped by the ACAS Code of Practice which in effect lays down minimum standards which have to be observed. It sets out broad principles upon which works discipline should be based, and details as to how the procedure should work. (ACAS Code of Practice No. 1 Disciplinary Practice and Procedures in Employment)

Note on Codes of Practice: The failure to observe a provision of a Code of Practice does not of itself render a person liable to legal proceedings, but it may be taken into account by an Industrial Tribunal or other court in determining whether or not the law has been obeyed.

THE BROAD PRINCIPLES OF THE CODE OF PRACTICE

A KNOWN SET OF RULES

The first is that employees should be informed in advance of the rules which apply, the likely consequences for breaking them and the procedure for exercising discipline.

PENALTIES ONLY AS A LAST RESORT

Secondly, employees should, whenever practicable, be given warnings, before any penalty is imposed. The purpose of these procedures should be to encourage improvements in conduct, not to punish.

FAIR PROCEDURES

The third is that disciplinary proceedings should be conducted promptly, fairly, openly and allow trade union representation.

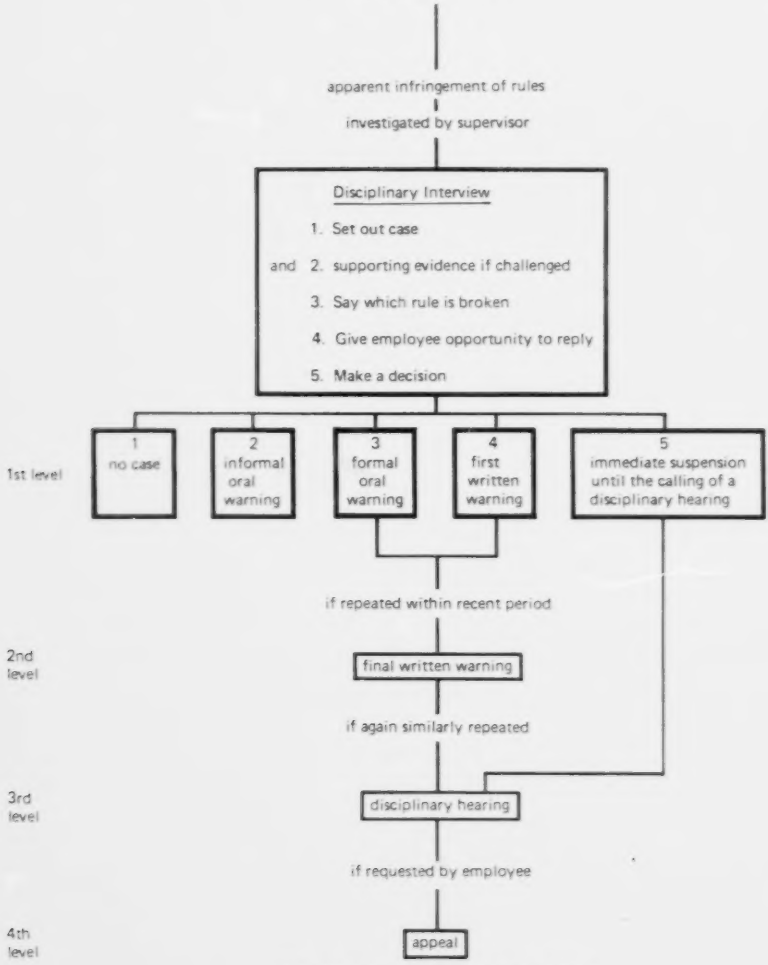
A disciplinary procedure incorporating these principles is illustrated in Diagram 7 on page 50. It operates at four successive levels.

INFORMATION ON THE RULES. PENALTIES AND PROCEDURES

If they are to satisy the conditions in the Code of Practice supervisors should ensure that all employees know about the disciplinary rules, penalties and procedures and their rights under them. In particular, the type of conduct warranting summary dismissal should be clearly indicated.

If the penalties include disciplinary transfer, or disciplinary suspension without pay (for a short period only) these should be referred to in the contract of employment. Employees should, if practicable, be given a personal copy of the rules. If not, their attention should be specifically directed to a public copy which should be readily accessible for reference. Their disciplinary rights and duties should also be included in the induction programme provided for new arrivals. The rules and penalties should be referred to in the contract of employment.

DIAGRAM 7 DISCIPLINARY PROCEDURE ON THE LINES OF THE ACAS CODE OF PRACTICE


apparent infringement of rules
investigated by supervisor
Disciplinary Interview
1. Set out case
and 2. supporting evidence if challenged
3. Say which rule is broken
4. Give employee opportunity to reply
5. Make a decision
1st level
1 no case
2 informal oral warning
3 formal oral warning
4 first written warning
5 immediate suspension until the calling of a disciplinary hearing
if repeated within recent period
2nd level
final written warning
if again similarly repeated
3rd level
disciplinary hearing
if requested by employee
4th level
appeal
supervisor follows up after a period to ensure infringements permanently corrected.

Note:

Employee representation during disciplinary proceedings is provided for in the Code of Practice.

DISCIPLINARY ACTION ONLY ON KNOWN RULES AND PROCEDURES

Disciplinary action should normally be taken only when rules are broken. These to be effective need to cover infringements of management policies and procedures, the failure to fulfil the contract of employment, or preventing other people from fulfilling theirs.

Employee behaviour which does not affect either the works rules and policies, or their own or other people's work performance should not normally come into the sphere of management disciplinary concern. For example, sexual misconduct or legal offences outside employment should not involve disciplinary procedures unless it can be shown that they affect the working performance of the person concerned or of other employees.

THE SUPERVISOR'S ROLE

Thanks to the Code of Practice most firms have now produced their own works rules and a disciplinary procedure, which is frequently agreed with the trade unions. The supervisor has the responsibility of knowing the rules himself, ensuring that the members of his workgroup are familiar with them, and, whenever disciplinary problems arise, applying the procedures consistently.

The existence of rules and procedures laid down by higher management by no means diminishes the central role of the supervisor in making them work satisfactorily. In conducting a disciplinary interview and setting in motion the first level of the disciplinary procedure, the supervisor has to investigate the case; he is normally the main, indeed the only witness; he conducts the case and he finally decides on the appropriate action to prevent any recurrence.

He also frequently fulfils the same range of functions for the second level of the disciplinary procedure which involves final written warnings.

In its third and fourth levels his role is normally only to present the case against the employee, the adjudicators being members of senior management.

INVESTIGATING A CASE

i) The supervisor must ensure that the charge against the employee is firmly based and can stand up to rigorous examination and challenge. This means that the facts supporting it must be backed by reliable evidence either from witnesses or documents, and they must add up to a logically convincing case.

ii) A rule or policy or term of contract must be shown to have been breached before disciplinary action is considered. Employees should not normally be penalised for actions which they have not been previously warned are subject to discipline.

iii) Any disciplinary action decided upon must be reasonable in relation to the offence and to the responsibility of the person committing it. This requires the supervisor to act consistently. He should not lay himself open to the charge that punishments are applied arbitrarily to some employees and not to others, when all are equally responsible. He must however take account of any mitigating circumstances, like health, domestic or travel difficulties, before deciding on the appropriate disciplinary action. Variations in treatment, based on different levels of responsibility, do not constitute inconsistency.

iv) Finally, he must follow procedures correctly. For example, written notices must be issued in the prescribed form at the proper time and the employee's representative must be brought in at the appropriate stages, depending upon the particular arrangements in force. Under no circumstances should disciplinary action be decided upon until the employee concerned, supported by his representative, has been given a full chance to answer any charges against him.

THE ALTERNATIVE OF A COUNSELLING MEETING

If upon investigation the supervisor feels that the employee's responsibility for an infringement appears to be relatively minor, possibly because of special circumstances, he may decide not to proceed by means of a disciplinary interview, but to hold what is described as a counselling meeting. This is completely outside the context of the disciplinary procedure. In this he could discuss with the employee how to get over the problem and give him any necessary advice

about keeping within the rules and regulations on a purely informal basis. This method is described in Section 4 of the manual on page 139.

NO PREJUDGING OF CASES

The employee concerned needs to be warned in advance that he is being asked to attend a disciplinary interview, and his rights to notification and representation under the procedure should be made clear to him. The supervisor should not in any way suggest that the outcome is prejudged. Although he has himself investigated the case and believes that there is a charge to answer, he must reserve judgement until the employee and his representative have been given the chance to reply to it.

THE DISCIPLINARY INTERVIEW

If the supervisor feels that the infringement, if proved, is serious enough to warrant using the disciplinary procedure, he should hold a disciplinary interview. In this he should set out the case against the employee, telling him which rule or rules appear to have been infringed. The employee (or his representative) needs to be given the chance to challenge the facts or logic of the case, the sources of his evidence, the relevance of the rules or procedures quoted against him, and, lastly, the appropriateness of any disciplinary action being considered.

The supervisor after consideration should then make a decision. According to the procedure recommended in the ACAS Code of Practice he has five options. He can decide:

i) that the case has not been proved;

ii) that there is a case but it can best be dealt with by an oral warning;

iii) that the infringement requires the employee to be given a formal oral warning;

iv) that the infringement requires the employee to be

given a first written warning; and, finally,

v) in extremely serious cases, that the employee should be immediately suspended with pay, subject to a further formal disciplinary hearing, which should be convened promptly. (See Diagram on page 50)

Immediate suspension may be necessary when, for example, an employee is behaving violently and he has to be removed from the premises. The Code of Practice suggests that first-line supervisors should not normally be given authority to dismiss workers on the spot. Supervisors are advised, even when they do have the authority, to make use of the alternative method of immediate suspension with pay subject to a subsequent disciplinary hearing, as recommended by the Code of Practice, and in any case to keep higher management in close touch. They need also to bear in mind the need to conform to the other legal requirements for dismissing employees set out in this manual on page 98.

RELIANCE ON INFORMAL ORAL WARNINGS FOR FIRST INFRINGEMENTS

Supervisors should try to rely on informal oral warnings to clear up first infringements of rules. These are not recorded against the employee and can be dealt with in a more relaxed atmosphere. But this does not mean that an informal oral warning should be regarded as an empty gesture. In delivering such a warning the supervisor should do his best – by the manner and the terms in which he gives the warning – to ensure that an employee fully understands the importance of not allowing the infringement to recur. If the members of his workgroup have come to learn that the supervisor means what he says, informal warnings of this kind should be sufficient to clear up once and for all the great majority of any infringements that are likely to arise.

MANNER OF CONDUCTING THE INTERVIEW

It is never advisable to take disciplinary decisions under emotional stress. Supervisors should leave time to get over any initial feelings of anger, and have the matter out with the offending employee when they are able to think clearly and calmly. Disciplinary inter-

views need to be conducted in an atmosphere of impartiality.

Investigations involving disciplinary procedures should never be hurried. If there is any question of doubt, careful examination may be necessary and the proceedings may take time. But if the case is obvious and there is no disagreement about it on either side, these need not be protracted.

Subject to those two requirements, disciplinary proceedings, if they become necessary, should be set in motion promptly as recommended in the ACAS Code of Practice.

THE NEED FOR A FOLLOW-UP

The method of dealing with a disciplinary breach already described here fits into the five-stage method recommended for handling a workplace problem as set out on page 23 of this manual.

It involves getting the facts (investigating the case); assessing them and making a decision (deciding whether to institute disciplinary procedures); consulting the employee (conducting a disciplinary interview); and taking action (imposing disciplinary action). These are the first four stages. The fifth or follow-up stage applies equally as much.

After disciplinary advice or other action has been taken the supervisor needs to check, once a suitable period has elapsed, that the infringement has not recurred. The kind of discipline recommended by the ACAS Code of Practice, based on prevention by warnings rather than punishment, demands continual vigilance. The supervisor must ensure that standards are not allowed to lapse and that warnings are taken seriously.

THE IMPORTANCE OF WRITTEN RECORDS

The ACAS Code of Practice stresses the importance of disciplinary proceedings being based on a written statement of the offence, and written warnings form important elements in disciplinary action.

The responsibility on the supervisor is that disciplinary proceedings

should be recorded in an official minute, containing the identifying details of who has committed what offence, when and where; the rule which has been infringed; the date of the disciplinary interview and the disciplinary action, if any, taken, followed by the supervisor's own signature and date. Such a minute can form the basis of communications to the employee, his trade union representative and to higher management if a disciplinary entry has to be made on the employee's record.

The ACAS Code of Practice recommends that a confidential written record be kept of any disciplinary offences, but that any disciplinary entry on an employee's personal record be disregarded once the employee has served a suitable period without committing any further offence.

The supervisor may have the further responsibility of presenting the case against an employee in formal disciplinary hearings, and at appeals against disciplinary action. He must be able to produce a written report which sets out the case, the sources of evidence on which it is based, the rule or rules infringed, and the proceedings taken prior to the reference to the formal disciplinary hearing or the appeal. See structure below.

STRUCTURE OF A DISCIPLINARY REPORT

1. Circumstances involving the infringement of the rule/s – who did what, when, where.

2. Evidence which can be called in support: witnesses, records etc.

3. Rule/s infringed.

4. Proceedings to date: disciplinary interview, decision by whom, date; previous official warnings, if any, by whom, dates.

5 Case submitted by whom for formal disciplinary hearing, date; or appeal submitted by whom, date.

Copies to:

Signature:
Authority and department:
Date:

Further advice on drafting a minute and a report are contained in Section 4 of this manual.

THE UNION'S ROLE IN THE DISCIPLINARY PROCEDURES

The supervisor must ensure that he accords the employees their full rights to trade union representation under the disciplinary procedure and keeps the union informed of all developments.

But this does not mean that trade union representatives are themselves immune from works discipline. All employees are equally subject to the rules and procedures. ACAS in their Code of Practice recommend however that supervisors should proceed in a special way whenever trade union representatives commit disciplinary infringements.

They are concerned that the disciplinary procedure should not appear to be used to undermine trade union organisation in the firm. According to the ACAS recommendations union representatives may be given informal oral warnings in the same way as every other employee. But if further action is required, the matter should be discussed with the senior union official in the works or the full-time union officer. In this situation supervisors may wish to refer the matter to senior management for advice.

One area in which relationships with the union can create sensitive problems is over the shop steward's right to take time off for union duties.

It is essential that there should be a clearly defined agreement between the union and management as to what these rights and facilities are, who is permitted to exercise them, under what conditions and for how long.

This agreement needs to protect the supervisor's authority in relation to the shop steward. It must make clear that no trade union right or facility can be exercised in the supervisor's workplace without his prior knowledge and authorisation. This is the only basis on which the supervisor can make a firm stand in applying consistent standards of workplace discipline.

BARGAINING OVER WORKING TERMS AND CONDITIONS

THE KIND OF ISSUES WHICH MAY BE RAISED

The other major area of employee relations in which supervisors are likely to find themselves dealing with trade unions is over demands for the maintenance or improvement of wages or working conditions. The workers, backed by their trade union, may make demands for changes on a general scale and these are normally directed to higher management at the outset. Alternatively, they often simply support a grievance of an individual worker as a means of establishing a precedent for new and improved standards. They may also raise complaints about changes in the method of work or working conditions within the supervisor's department, which they claim may have worsened their standards.

Supervisors have to decide which of these two categories these demands fall into. They normally have no authority on their own initiative to renegotiate wage agreements or to vary company policies on wages and workshop practices. These they must pass on to the appropriate level of management. The large number of issues which turn on whether the terms of an existing industrial agreement have been properly applied or whether the standards laid down in management policies are being adequately maintained do fall within the supervisor's authority.

SHOULD A SUPERVISOR BARGAIN?

Much recent teaching advice both for shop stewards and for supervisors seems to emphasise the scope for bargaining in workplace negotiations. The virtual revolution in British trade union organisation and methods first publicly recognised by the Donovan Royal Commission on Trade Unions and Employers' Associations in 1968 sprang from the trade union devolution of bargaining initiative into the hands of the shop stewards. The shop stewards' handbooks underline the opportunities alert shop stewards have of getting better terms and conditions for their members by workplace bargaining.

They draw attention to the many issues on which shop stewards can improve standards by deals with local management. They are

advised to keep in mind a minimum target, and to get what they can over and above it. The unions see this as the most direct way of demonstrating the effectiveness of trade union organisation to the members and of building up their strength.

Management doctrine in many ways reflects this viewpoint in its tactical approach to bargaining. It sets out a range of possible outcomes to negotiations between "minimum resistance" and "ideal settlement" points. Managements are advised how to negotiate agreements in what is, from their point of view, the favourable rather than the unfavourable end of the bracket.

Whatever practical justification there may be for this approach to the determination of wages and working conditions at higher levels of management, it should not apply for supervisors in their conduct of workplace bargaining.

They should leave tactical one-upmanship to the unions and senior management. In practice they have greater scope than is officially recognised for interpreting management policies and applying even the most tightly centralised wages systems and working conditions either more or less liberally. But they should not attempt to make bargaining capital out of this. They should not see their role as getting an advantage for one side or the other.

Their job is to apply as fairly and consistently as they can the rules, agreements and policies which have been laid down for them. The members of their own workgroup should not in consequence regard them, nor should they see themselves, as bargainers in this sense.

THE SUPERVISORS' ROLE IN LOCAL BARGAINING

In this manual the supervisors' function in local bargaining is restricted solely to applying the authorised rules and standards. They need to determine the circumstances of the case presented to them and ensure that the members of their workgroup receive their full entitlements under their contracts of employment and under the policies laid down by higher management.

This role is anything but simple. Faced with, in practice, wide lat-

itude as to how they apply the rules, and under almost constant pressure from their shop stewards to interpret them in the most liberal way, they have to be vigilant to maintain a standard of interpretation which will be at once fair to the workers both as a group and as individuals and will not undermine the consistency of the wages system or of work standards within their own department and throughout the firm as a whole.

Applying the agreements is not a one-way traffic. The contract of employment is still essentially a bargain. The workers have the right to their proper entitlement from the employer in wages and, increasingly in modern times, a measure of employment security.

On their side management have the right to obtain the contractual levels of work performance in return. Supervisors should regard their role as ensuring that both sides of the balance are honoured. They should be as vigilant and efficient in securing the one as the other. Their transaction with the shop stewards should be guided by the purpose of achieving a proper balance of reciprocal rights and duties. They are bargainers in this sense only.

PROCEDURE FOR WORKPLACE BARGAINING

Manner

Supervisors need to show the trade union representatives that they are sympathetic and concerned about their employees' interests, and that clearing up any problems has a high priority in their duties, which they will do their best to deal with promptly. Finally, they must show firmness. Whilst remaining scrupulously courteous, they must make it clear that they are not there to be pushed around.

GETTING THE FACTS

STAGE 1 – MANAGEMENT'S RESPONSIBILITY

The responsibility for getting the facts of any problem raised with them and ensuring that they give a full and accurate picture of events rests with management. The method for getting the facts suggested in Section 1 on page 24 applies equally for workplace bargaining, and the points made here should be taken merely as

restating the general principles in the context of a negotiating situation. The procedure, briefly recapitulated, is as follows:

Get the facts	a) who is involved; what is the problem; what are the circumstances?
	b) Human attitudes, behaviour
	c) Policies, rules, procedures involved
Check them	by examination of witnesses, documents, and the site
Record them	
Facts need to be checked	The trade unions are likely to have prepared their own account of the problem. It will quite properly be drawn up from their point of view and from their own experience.
	It will need to be verified as far as possible from the resources available to management. Where there are discrepancies, supervisors should attempt first to get agreement as to which is the true version. No effective negotiation can take place if the facts remain in dispute.

RULES, POLICIES, PROCEDURES, LAWS

At the outset it is necessary to decide exactly which rules and policies are affected. These could derive from three separate sources; some are laid down by management on their own, others by management and trade unions in joint agreements, and yet others are determined by the laws of the land.

These are examined more fully later in this section. They could include the works rules, job specifications, and company policies as well as payment systems, wages structures and working conditions under the negotiated industrial agreements, and any of the many legal statutes, regulations and Codes of Practice which may relate to them.

RECORDING THE FACTS

The record of the facts of the case is likely to have a determining influence upon any decision which may be taken. Since the trade unions may pursue the case with higher levels of management, this record needs to be put in writing. Supervisors should therefore ensure that their account is accurate, clear, relevant, logical and contains all the essential points.

STAGE 2 – ASSESSING AND DECIDING

The fact that the trade unions are presenting a case in no way removes the supervisors' responsibility to make their own assessment of its justice and to decide any action that needs to be taken afterwards. Their judgement must be made on the merits of the case and in conformity with the laws, policies and negotiated agreements.Normally, they have no authority to vary any of these. Supervisors must then decide whether the trade union case appears justified, partly justified, or not justified at all.

STAGE 3 – CONDUCTING THE NEGOTIATIONS

(See Diagram 8 illustrating the negotiating procedure)

THE PARTIES

Supervisors normally meet their own local shop steward or group of shop stewards. These may sometimes be accompanied by a shop steward from an associated activity, like transport, or by a senior shop steward. If this happens, the supervisors must insist from the outset that they can deal only with business relevant to their own departmental responsibility. Issues affecting other workers must be raised with their own managements.

EXPLAINING THE LIMITS TO THEIR AUTHORITY

Supervisors should make clear that they are authorised only to make decisions within the existing policies, rules and agreements, unless, of course, they have been given special dispensation. If the purpose of the workers' side is to change any of these, the matter will need to be referred to higher management. In these circum-

DIAGRAM 8 PROCEDURE FOR WORKPLACE BARGAINING

PREPARATION

Get the proposal in writing — as submitted by trade union representatives or drafted by supervisor with their agreement	Stage 1
Check — facts — which rules, regulations, agreements apply?	Stage 1
Assess — viability of case, and make an initial decision on how to deal with it.	Stage 2

NEGOTIATION

Opening statement — trade union representatives amplify their written proposal Adjournment — if necessary, to check any facts or policies, by closing the meeting and arranging a later recalled meeting Management's reply — leading to suggested agreement Joint decision — accept proposal — reject proposal — amend proposal — proposal not within supervisor's authority — failure to agree Final written minute Original proposal and the terms of the final agreement or failure to agree	Stage 3

IMPLEMENTING

Action — who, what, when including sending to next stage of procedure if requested by unions	Stage 4
Follow-up	Stage 5

stances the supervisor's responsibility is to clarify the terms of the request and pass it on to higher authority without prejudging the case.

INITIAL WRITTEN STATEMENT

Whenever they put in a request of any substance to management, the trade union representatives should be encouraged to submit a written statement in advance. This will enable the management side to satisfy themselves about the facts of the situation beforehand, and should prevent unnecessary delay in coming to a decision. If the workers' side are unwilling or unable to produce such a statement, the supervisor should draft it himself from their oral submission and get them to endorse it.

OPENING SUBMISSION

If the workers' side is asking management for something new or extra, they should be prepared to explain their case at the outset. Alternatively, if the workers are complaining that management have failed to fulfil a responsibility or to honour an agreement, they could legitimately ask management to give an explanation why they had not done so.

There are obvious tactical advantages in hearing the other side's case first, but management should not seek to benefit from this if logic dictates that they themselves should give the major opening statement.

ADJOURNMENTS

It is not usual in discussions between supervisors and shop stewards to resort to short period adjournments, which are characteristic of higher level negotiations. Provided the workers' side have set out their requests clearly in writing, the supervisors ought in most cases to be able to check the facts of the case and the relevant policies before the negotiations start. If, however, an interval is required to consider a point which cannot be immediately answered, the supervisor should recommend closing the meeting and arranging for a further meeting later in the day or on the following day.

THREE AREAS OF DECISION

In discussing a request from the trade union side, three aspects have to be covered. First, the facts which have been submitted may be open to argument. Secondly, the logic of the case may be questioned. Thirdly, any proposals for remedying problems have to be considered, and then, if possible, agreed by both sides.

THE CONCLUDING STATEMENT

When the discussions are completed, whichever way they have gone, the supervisor needs to draft a minute setting out what has been their outcome. The minute should include any proposals for action, indicating who has to take action, what the action is, and when it should occur, and should be agreed by both sides. If the issue is an important one, supervisors may wish to provide a fuller statement and write a report rather than a minute. Advice on drafting these is given in Section 4 of this manual.

IN THE EVENT OF FAILURE TO AGREE

Though it is obviously helpful if supervisors can go along with the workers' requests, they cannot always do so. If they think there is no case to answer, or if they lack the authority to give one, they should say so tactfully and give their reasons.

If no agreement can be reached, the concluding statement should report this, and briefly explain the reasons. The workers' side should be reminded of the next step in the negotiating procedure, if they wish to pursue the matter further.

If supervisors cannot take a decision because it does not lie within their authority to do so, they should explain to the workers' representatives that the case must be passed upwards to higher management. They should not attempt to prejudge it themselves.

STAGE 4 — TAKING ACTION

The action should be based on the written minute or report, which should provide the source for communicating the decision to the workers, the trade unions and higher management.

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STAGE 5 — FOLLOW-UP

The final stage is to follow up the action at a suitable interval to ensure that the changes decided upon have been put fully into effect. Many decisions that require changes in human behaviour run up against the force of habit. Habits, especially those with long pedigrees, tend to die hard. The old ways may quickly reassert themselves if there is not a routine follow-up check as a safeguard.

FACILITIES FOR TRADE UNION ACTIVITIES

WHO ARE COVERED

Certain trade unionists have been given legal rights to facilities from the employer under two sections of the 1978 Consolidated Employment Protection Act and under the Safety Representatives' Regulations issued under the 1974 Health and Safety at Work Act.

The rights apply to lay trade union officers, and this category includes safety representatives who are, under the 1974 Act, employees appointed by trade unions; they also apply to union members as well who may not hold official positions in the union.

For lay union officials, including safety representatives, the law requires employers to give time off during working hours with pay for trade union activities and training. For ordinary trade union members, the obligation to allow them reasonable time off during working hours for trade union activities does not extend to having to pay them.

ONLY WHEN THE EMPLOYER RECOGNISES THE UNION

The rights apply only if the employee's trade union is independent and is recognised by the employer for bargaining, or has been recommended for recognition by ACAS.

CRITERIA FOR ALLOWING TIME OFF

This obligation is not open-ended. The length of period, the purposes, the occasions and the conditions for which time off is given

have to be reasonable. The criteria of what would be regarded as reasonable are set out in the Code of Practice on Time Off for Trade Union Duties and Activities. (ACAS: Code of Practice, No.3). To begin with, industrial action, whether or not there is an official dispute, is not included. The broad condition is that the activities should "aid and improve the conduct of industrial relations". Examples of relevant activities are listed first for lay trade union officials.

These are:

Collective bargaining
Informing employees about negotiations or consultation.
Meetings with other lay officials or with full-time officials.
Interviews over grievances and disciplinary matters.
Representing employees before industrial tribunals, etc.
Talking to new employees about the role of the union.
Initial basic training on approved trade union courses.
Further relevant training on approved trade union courses.

and the activities they describe must all relate to the industrial relations business within the undertaking.

Similar criteria are laid down in the Code for union members. The relevant activities for these are:

Acting as representatives at policy-making union meetings and conferences, and associated union activities,
Voting at workplace in union elections,
Attendance at workplace meetings for urgent matters, or where they would not affect production or services – particularly when relations between the two sides are in danger of breakdown.

OTHER FACILITIES

FOR LAY TRADE UNION OFFICIALS

Accommodation for meetings
Access to telephone

Notice-boards
Office facilities (where volume of work justifies)

METHOD OF DECIDING

The two sides should decide by negotiation how the criteria are applied. Employees have a right to take any unresolved complaint to conciliation by ACAS and then to an Industrial Tribunal.

OBLIGATIONS ON WORKERS AND UNIONS

Trade unions must inform management in writing of appointments and resignations of lay officials promptly; and provide written credentials promptly.

Workers must submit requests for time off well in advance, giving details and co-operating in covering absence.

Similarly, they must give notice of workplace meetings of members well in advance, in agreement with management to minimise production disturbance.

Safety or operational needs must be safeguarded, if needs be by delaying the proposed meeting or keeping some members at work.

Absences from work should not be unduly or unnecessarily prolonged.

Copies of the syllabus for trade union training courses should be provided.

NEED FOR A POLICY

The Code asserts that management at all levels should be familiar with agreements and arrangements for time off. If no policy has been drawn up, supervisors should press for one to be produced. Otherwise they run the risk of getting out of step with other departments, and of establishing precedents that cannot be maintained. They need in any case to have their own authority protected. They need a firm understanding that no trade union rights or facilities are exercised in their own place of work without their prior knowledge and authorisation.

THE GROUND RULES FOR WORKPLACE REGULATIONS

WHERE AUTHORITY LIES

In dealing with requests from the trade unions, supervisors need to find out where authority lies before they can proceed to make decisions. There are three main areas they need to examine: those covered directly by management; those covered jointly by management and the trade unions in agreement; and those regulated by the law of the land. From these three sources derive the procedures, policies, rules, regulations, codes of practice and laws upon which they need to base any proposals for action. (See Diagram 9)

1. MANAGEMENT REGULATION

The area of employee relations traditionally regarded as falling within the authority of management includes hiring and firing employees, organising and maintaining systems of work, maintaining satisfactory standards of work performance and personal conduct on the part of the employees.

Management's responsibility for maintaining a system of work that is safe and free from risks to the health of the workers or, indeed, of any of the public who may be affected, has been underlined by the 1974 Health and Safety at Work Act.

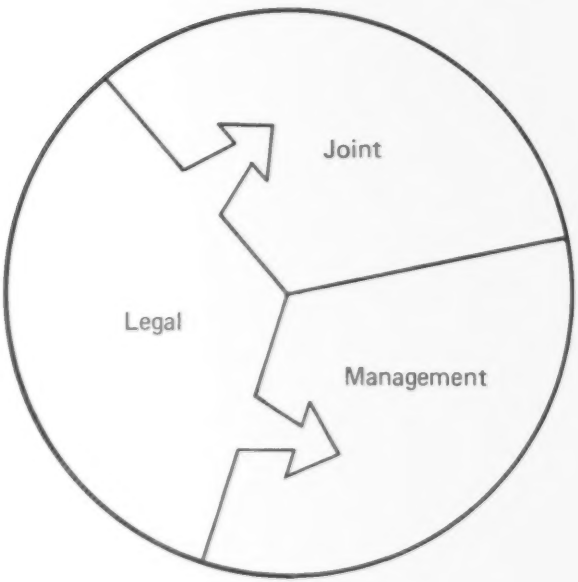
Part of the areas covered by management regulation is often set out in the form of works rules and management policy statements. It is essential that, where rules and policies are laid down, supervisors should apply them conscientiously. In any case where supervisors feel that their application involves harsh treatment, they should ask for advice from higher management. They should not make decisions on their own responsibility which go against the rules and policies.

2. JOINT REGULATION

The second area of employee relations is where the regulation is shared between management and the trade unions. Two major functions are normally dealt with by joint agreement. First, in what is known as the substantive agreement, terms of employment like

wage rates, hours of work, and holidays are laid down. Secondly, a formal method for the continuing regulation of these agreed terms is prescribed. This is known as the procedure agreement. It provides for reconsideration from time to time of the agreed terms of employment, and a disputes machinery for dealing with any complaints that the terms are not being fully applied.

DIAGRAM 9



AREAS OF WORKPLACE REGULATION

3. THE EMPLOYMENT LAWS

Employee relations must now be regulated in accordance with a large body of employment law. This sets limits and standards on the first two areas of regulation. Management have to conform to the Code of Practice on disciplinary procedures, for example, and there are many restrictions on the dismissal of employees. Similarly, there are many conditions as to how joint management-trade union regulation operates. Management have to make available the necessary information for effective bargaining to the trade unions, and to give them prior warning in the event of redundancy.

There are, in addition, a whole list of conditions that must be applied about equal opportunities in the employment of women and workers of different races, over the employment of disabled workers and ex-penal offenders, and over giving workers time off for trade union activities and public duties. These are just a few of the 30 odd different areas of industrial relations which are now covered by employment laws. (See Appendix 3 on page 179).

KEEPING TO THE RULES AND PROCEDURES

Going strictly by the book is not always easy. Enthusiastic shop stewards sometimes act in default of the procedure by taking up a problem for an individual worker who has not himself first raised the matter with his supervisor. This is not the only set of circumstances in which a breach could occur. Higher management themselves sometimes disregard the procedure agreement by discussing with the senior shop steward an issue which relates to a particular department before the supervisor concerned has had a chance to consider it.

Supervisors often find it difficult and embarrassing to attempt to restart the procedure from the beginning once this kind of situation has developed. Often the best they can do is to emphasise the need to follow procedure correctly on the next occasion. The problem is further complicated by the fact that such breaches of procedure might have become common practice in other departments. It is difficult for a supervisor to correct a fault in his own department if it is general throughout the plant. The only effective solution to this kind of problem is co-ordinated action from higher management. A clear policy has to be laid down and management at every level needs then to conform to it.

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PROBLEMS OF KEEPING TO THE BOOK

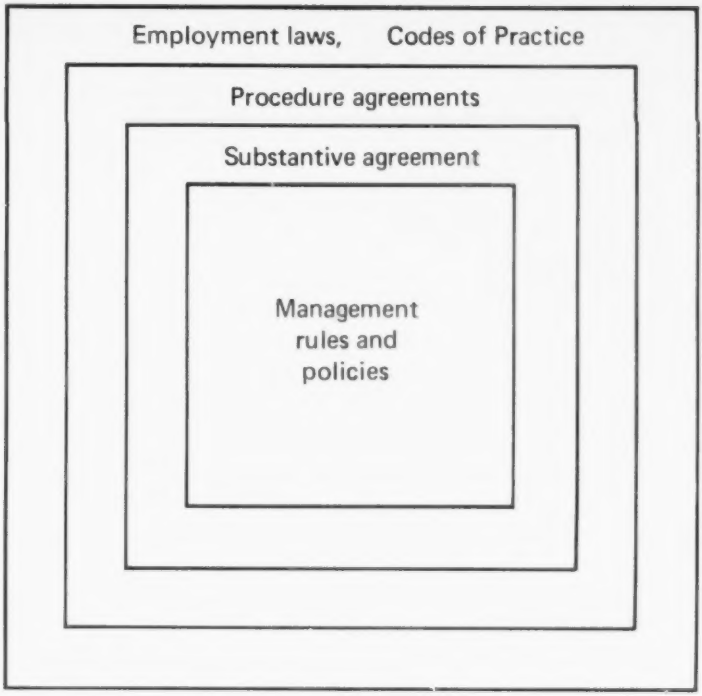
The prescribed rules and regulations do not always provide easy answers. In some cases the message is not clear. Rules and policies by their nature have to deal with a wide range of contingencies. The actual workplace problems do not always fit neatly into the categories prescribed for them. Every supervisor, sooner or later, comes across a borderline case. This is why keeping to policies and procedures may still involve a finely balanced sense of judgement.

There are as well, unfortunately, still some areas of debated ground as between management and workers, and between workers and their own trade union organisations. Authority is not yet always delineated with minute precision over the whole range of workplace initiatives. One such area may be over the right to introduce changes in methods of work.

In the engineering industry, for example, the organised workers have never reconciled themselves to management's assertion that this forms part of their fundamental right to manage. The issue is still a live one. In consequence, changing the system of work is a sensitive operation. Management's attempts to assert the right to introduce even minor changes may be resisted. The workers may refuse to accept any changes which they have not previously discussed and endorsed. Supervisors faced with this kind of problem may find the policies and rules give them little practical help, and they have to fall back on experience and common sense to guide them. They need, of course, to alert higher management to the problem at the earliest moment.

Workers may also sometimes claim the right to customary practices – usually called "custom and practice" – ways of doing jobs, or manning scales which have a long tradition, and resist any management attempts to remove or change them. The extension of productivity bargaining has assimilated many of these so that they are now covered by formal agreements. But custom and practice remain significant amongst some trained craftsmen who still regard some of their working methods as their own exclusive responsibility. It is also prevalent, though its open expression is now illegal, in the identification of men's and women's work.

DIAGRAM 10



SYSTEMS OF WORKPLACE REGULATION

A SYSTEMATIC APPROACH TO EMPLOYEE PROBLEMS

In spite of these difficulties, supervisors – if they are to enjoy any kind of stability in their department – must keep to the rules. They must seek to base their decisions on the prescribed management policies, the agreed industrial terms and procedures, and the law of the land. These fit inside each other rather like Chinese boxes. (See Diagram 10). They need to look into each of these to see which parts apply to their own particular problem. Then, if they tackle it

in a systematic way, applying the five stages of procedure set out on page 23, they should have reasonable confidence that their case will not be faulted because of bad procedure or breach of rules.

Some of the responsibilities which fall upon supervisors in taking account of the role of trade unions have been looked at in this section of the manual. Complying with the employment laws adds a lot more. These will be examined more fully in the next section.

CHECK LIST

SECTION 2.

RELATIONS WITH THE UNIONS

i) A firm but considerate and co-operative attitude

ii) Consult with the workers and their unions whenever the terms of employment, working conditions or job prospects are affected.

iii) Insist that both sides keep to procedures.

iv) Accept their help and advice with thanks.

v) Do not be afraid to say 'No'. If any trade union proposals have to be turned down, the reasons why should be explained, and the workers told how to proceed if they wish to take the matter further.

RELATIONS WITH THE SHOP STEWARD

i) Shop stewards are independent – their effective working depends on this, but they may be influenced by the example the supervisor sets them.

ii) Management tend to get the shop stewards they deserve – an intelligent and co-operative policy should encourage a responsible response.

Check List cont.....

iii) The qualities of a good shop steward – firmness, readiness, to argue a case rationally, and integrity.

iv) To develop these qualities, supervisors can:

Organise their own relationships efficiently.
Establish good communications
Make good use of time
Encourage shop stewards to undergo formal training and education.
Set an example of conformity to policies and industrial relations procedures.

WORKS DISCIPLINE

BROAD PRINCIPLES OF ACAS CODE OF PRACTICE ON DISCIPLINARY RULES AND PROCEDURES

1. Known set of rules – likely consequences for breaking them and procedure for exercising discipline.

2. Penalties only as a last resort – except in very serious cases, two official warnings before disciplinary penalties imposed.

3. Procedures which are conducted promptly, allow for trade union or other representation, and are fair and open.

POINTS TO COVER IN MAKING A DECISION ON A DISCIPLINARY OFFENCE

1. A charge against an employee must be firmly based in relation to

   a) its facts
   b) its logic

2. A rule or policy or term of contract must be shown to have been breached.

3. Disciplinary penalties must be applied consistently.

Check List cont.....

4. They must also take account of mitigating circumstances, like health, domestic or travel difficulties.

5. Procedures must be followed correctly – in particular, no disciplinary action should be taken until the employee or his representative has had a chance to answer the charges.

A DISCIPLINARY INTERVIEW SHOULD CONSIST OF THE FOLLOWING:

1. The case against the employee should be set out by the supervisor, including, if they are challenged, the sources of the evidence for it.

2. A reference to the rules, policies or terms of contract which have been infringed.

3. An opportunity for the employee or his representative to challenge any aspect of the case, or of any disciplinary action which might be decided upon.

4. An announcement of any disciplinary action the supervisor, after consideration, decides upon.

5. Provision of information about any further action open to the employee under the disciplinary procedure for taking the case to appeal or to the disputes machinery under the industrial agreement between management and the union.

WORKPLACE BARGAINING

1. A supervisor should not take advantage of any bargaining weakness on the part of the members of his workgroup.

2. His role is to apply management policies and the industrial agreements as fairly and consistently as he can.

3. He needs to keep in mind that a contract of employment involves reciprocal rights and duties. His role is to see that his employees get their rights and fulfil their duties. He is a bargainer only in this sense.

Check List cont.....

A PROCEDURE FOR BARGAINING WITH THE TRADE UNIONS ON WORKPLACE PROBLEMS

i) Manner – sympathetic and concerned.

ii) What are the circumstances:

Materials
Human attitudes and behaviour
Relevant policies, rules, procedures.

iii) Check that the facts behind the proposals are accurate:

– by examination of witnesses, documents, investigation of site.

iv) Record the facts.

v) The importance of getting agreement on the facts between the two before negotiations proceed.

vi) See that the employees' opening request is submitted in writing as a minute.

vii) Allow the trade unions to develop their case based on the written minute.

viii) Close the meeting and reconvene a later meeting if the facts need checking or if a point is raised that cannot be immediately answered.

ix) Reply to the trade union case, where possible offering an agreed solution.

x) Draw up a written minute setting out what is agreed, or that there has been failure to agree, or that the proposal is not within the supervisor's authority.

xi) In the event of failure to agree, or if the request is not within the supervisor's authority, pass to the next stage of the

Check List cont.....

negotiating procedure, if the trade union side so require.

xii) Take action – arranging who does what, when.

xiii) Communicate the decision to all concerned, using the written minute.

xiv) Follow up after a suitable interval to ensure the action has been effective.

FACILITIES FOR TRADE UNION ACTIVITIES

i) The basic requirement for giving facilities to "aid and improve industrial relations".

ii) Those entitled to time off and facilities for trade union activities include trade union lay representatives; safety representatives; and other trade union members, in workplaces where the trade union is recognised by the employer for bargaining purposes.

iii) Time off with pay for trade union lay officials – may be given subject to agreement with management for eight categories of union activity.

Collective bargaining.
Informing employees about negotiations or consultation.
Meetings with other lay officials or with fulltime officials.
Interviews over grievance and disciplinary matters.
Representing employees before industrial tribunals, etc.
Interviews over grievance and disciplinary matters.
Talking to new employees about the role of the union.
Initial basic training on approved trade union courses.
Further relevant training on approved trade union courses.

iv) Time off without pay for union members – may be given

Check List cont.....

subject to agreement with management for three categories of union activity:

Acting as representatives at policy-making union meetings and conferences, and associated union activities.
Voting at workplace in union elections.
Attendance at workplace meetings for urgent matters, particularly when relations between the two sides are in danger of breakdown.

v) Other facilities for union lay officials – subject to agreement with management may include:

Accommodation for meetings
Access to telephone
Notice-boards
Office facilities (where volume of work justifies)

vi) Requirements upon workers and trade unions:

Trade unions to inform management in writing of appointments and resignations of lay officials promptly.
To provide written credentials promptly.
Workers to submit requests for time off well in advance, and give notice of workplace meetings well in advance, in agreement with management.
Safety or operational needs to be safeguarded.
Absences from work not to be unduly prolonged.
Copies of syllabus for trade union training courses to be provided.

vii) Is there a management policy statement on trade union facilities? If not, recommend them to produce one.

viii) Ensure that the supervisor's own authority is protected. No rights or facilities should be exercised by shop stewards without his prior authorisation.

Check List cont.....

GROUND RULES FOR WORKPLACE REGULATION

i) Area covered by management regulation

Hiring, firing, organising, maintaining and controlling systems of work, maintaining satisfactory standards of work performance, ensuring satisfactory personal conduct of employees.

ii) Method of imposing management controls:

Works rules, written management policies.

iii) Joint employer – trade union regulation:

Main areas covered by – Substantive agreement.
– Procedure agreement.

iv) Employment laws

These affect the areas of both management regulation and joint employer-trade union regulation and many other aspects not previously covered by regulation.

v) Areas not covered by any formally recognised regulation: "Custom and Practice" and other unilaterally imposed employee controls.

vi) Keeping to the rules requires a co-ordinated policy throughout the firm. Conformity by each side at every level is the only basis for stable relationships.

EXERCISES

SECTION 2

1. What system do you have in your workplace for enabling industrial relations problems to be raised with management by employees? Assess whether in your opinion it works well, or badly, and give your reasons.

Exercises cont.....

2. What personal role can the supervisor have in improving the quality of industrial relations in the workplace? Illustrate this where possible from your own experience. What obstacles is he likely to have to overcome in this role?

3. What are the disciplinary rules and procedures and the likely consequences for breaking them in your firm? What provision is made to bring these to the attention of all employees? Is it adequate?

4. Are disciplinary policies applied consistently in your firm? Give examples. If not, how do the inconsistencies arise, and what can be done to correct them?

5. Give an example of a disciplinary interview you have yourself conducted as supervisor. Analyse it into its constituent parts, and describe what its outcome was.

6. From your recollection, draft the final written minute of a meeting you have yourself conducted with the trade union representatives in the workplace, and describe what was the outcome.

7. Can the provision of time off and facilities for trade union duties be used to strengthen and improve industrial relations in the workplace? Indicate some ways by which this might be done.

8. Write a list of your functions as a supervisor and analyse how many of these are covered by management rules and policies and industrial agreements, and how many are left to your own initiative.

9. What training have you been given as a supervisor to deal with the trade union in your workplace? Assess its relevance and value.

10. Give examples of "custom and practice" and "men's" and "women's" jobs in your workplace which operate outside the formal policies and agreements. Discuss what gives these

Exercises cont.....

their strength, and whether they are being modified with changes in technology and social attitudes.

11. During working hours one of your employees lost her temper with a fellow worker and hit her over the head with a metal door-stop. She has been taken to hospital with a fractured skull and a police prosecution is impending.

You have examined the case carefully. The facts are that the employee who committed the assault has been employed eight months in the firm and has not been in previous trouble. The argument which led to the offence appeared at the start to be relatively trivial; until the blow was struck the two women were engaged in what appeared to be a minor altercation. You have informed higher management of the circumstances and you have been given authority in this case to take any disciplinary action you feel is merited.

Role-play a disciplinary interview with supervisors taking the role of supervisor and employee in turn. Then discuss the legal and moral validity of the decisions the supervisors come to and how they conform to the advice in the ACAS Code of Practice.

Role-players should assume that the information provided in the brief is correct and that there is no other relevant information available.

12. Give an example where you have received helpful ideas or advice from your workgroup. How important is it to promote this practice and what benefits are likely to spring from it?

SECTION 3 WORKERS AND THE LAW

TACKLING A LEGAL PROBLEM

A FRAMEWORK OF LAW

Management and trade unions do not operate in a legal vacuum. Far from it. Thanks to action from both the main political parties and, in particular, to the 1974 Social Contract between the TUC and the then Labour Government, industrial relations are now extensively caught up in legal rules, regulations, codes of practice, judicial procedures and penal clauses.

Most, though not all, of the laws are designed to protect the employee as against the employer. Supervisors must therefore ensure that the law is applied in order that their workgroups receive their proper entitlements, and to keep themselves and their employers out of the courts of law.

TWO PROBLEMS

THE EXTENT OF EMPLOYMENT LAW

There are two problems in dealing with employment law. The first of these is its extent. It now covers almost every aspect of working life. Of the Acts of Parliament which affect employment, the Consolidated Employment Protection Act, the Health and Safety At Work Act, the National Insurance Acts, the Industrial Injuries Act, and the Pensions Act are amongst the most important.

But there are many others. Some thirty separate areas of industrial relations, listed overleaf, are now covered by specific employment laws and may involve employers and employees in legal proceedings. The laws impose conditions on how managers exercise what they traditionally regarded as their own sphere of managerial authority, as well as on the way employers and trade unions together regulate workplace practice through negotiated agreements. It would be highly imprudent now to attempt to take any decisions in industrial relations without having regard to their possible legal consequences.

THE MAIN CLASSIFICATIONS OF EMPLOYMENT LAW

The freedoms and protections provided to employees under the law are in practice hedged about with a lot of conditions and qualifications. The following list is therefore only a very rough-and-ready catalogue of some of the more important of these freedoms and protections.

These can be divided – with some overlap – into two broad categories. The first covers those which are designed to help employees in taking collective action in trade unions. The second consists of those which protect them as individual employees.

i) Legal provisions protecting trade unions

Legal freedom to organise and operate a trade union.

Freedom to take collective industrial action – at the place of work and other (closely associated) places of work.

Lay union officials – time off with pay for trade union duties and training.

Consultation over redundancies and hazards at work.

Relevant information for collective bargaining.

Representation of members in disciplinary proceedings.

Picketing at one's place of work.

ii) Legal provisions protecting individual employees

Against unfair dismissal.
Right to financial and other help if redundant.
Guaranteed pay for lay-offs because of interruptions of production.
Rights to information and training in the avoidance of health and safety hazards, and to competent manage-

ment supervision in these respects.

Clearly spelt-out terms and conditions of employment; details of how payments are calculated.

Fair disciplinary rules and procedures, allowing the right of representation.

Specified periods of notice of termination of their employment, depending on length of service.

Against race discrimination.

Against sex discrimination.

Equal pay between men and women for equivalent work.

Security of employment and maternity payment for pregnant women.

Protected employment for registered disabled workers.

Protection of convicted offenders from having to reveal 'spent' convictions

Payment for workers suspended on medical grounds in certain dangerous occupations.

Time off work for certain public duties.

Time off work without pay for trade union activities and training.

Sick, accident and disablement benefits, amongst others, for employees who have been rendered unfit for work, and unemployment benefit.

State pensions for workers who have reached the retirement age.

Statutory minimum wages in selected trades and industries.

"Fair" wages to be paid by contractors in the public sector (not derived from a law, but from a resolution of the House of Commons.)

A COMPLICATED JUDICIAL SYSTEM

The other problem arises from the complicated structure of the British judicial system. Supervisors could well find themselves involved in at least three different sets of judicial procedures, each with its own courts or tribunals. Very briefly, these are proceedings under Criminal Law, which deal with offences against the State; under Civil Law, which deal with disputes over private rights as between groups and individuals; and under Employment Law, a branch of Administrative Law, which deal with claims over the

rights laid down in the series of employment laws, some of which have just been listed. The three sets of courts or tribunals in England and Wales which relate to these three systems are the Magistrates' Courts for criminal offences, County Courts for claims at civil law, and Industrial Tribunals for applications under employment law. A fuller outline of the British legal system is set out in Appendix 2.

DECIDING WHETHER THE LAW APPLIES

Interpreting the employment laws in special cases can be very difficult, but supervisors should not get themselves involved in this problem. They can avoid it by following the procedure set out on page 90. Provided they are clear about the facts of the situation, obtain the relevant official guides and read them through carefully, they should in the great majority of cases be able with reasonable confidence to make firm decisions as to whether or not the law applies. In the relatively few cases which do not appear to fit the advice in the official guides, supervisors should not attempt to make a decision themselves, but refer the problem to higher management.

SOURCES OF OFFICIAL LEGAL INFORMATION

THE OFFICIAL GUIDES

Whilst supervisors need to be aware of the different areas of industrial relations covered by employment law, and to be familiar with the broad structure of the judiciary, they cannot be expected to know all the details.

Their immediate responsibility is to obtain the official guides, which can then be studied as and when the occasion requires. For the layman they are likely to be more reliable sources of reference as to whether the law applies to a particular workplace problem than the actual Statutes and Regulations. The guides are more clearly laid out and more simply expressed than the legal texts.

Unfortunately, getting access to them is not as easy as it could be. Most of them are free, but they have to be obtained from different Government offices. Many, especially those dealing with employment rights, come from local employment offices, where they can be obtained on demand. But information on pension entitlements, for example, comes from the offices of the Department of Health and Social Security, and on the Health and Safety at Work Act from the Health and Safety Executive's offices.

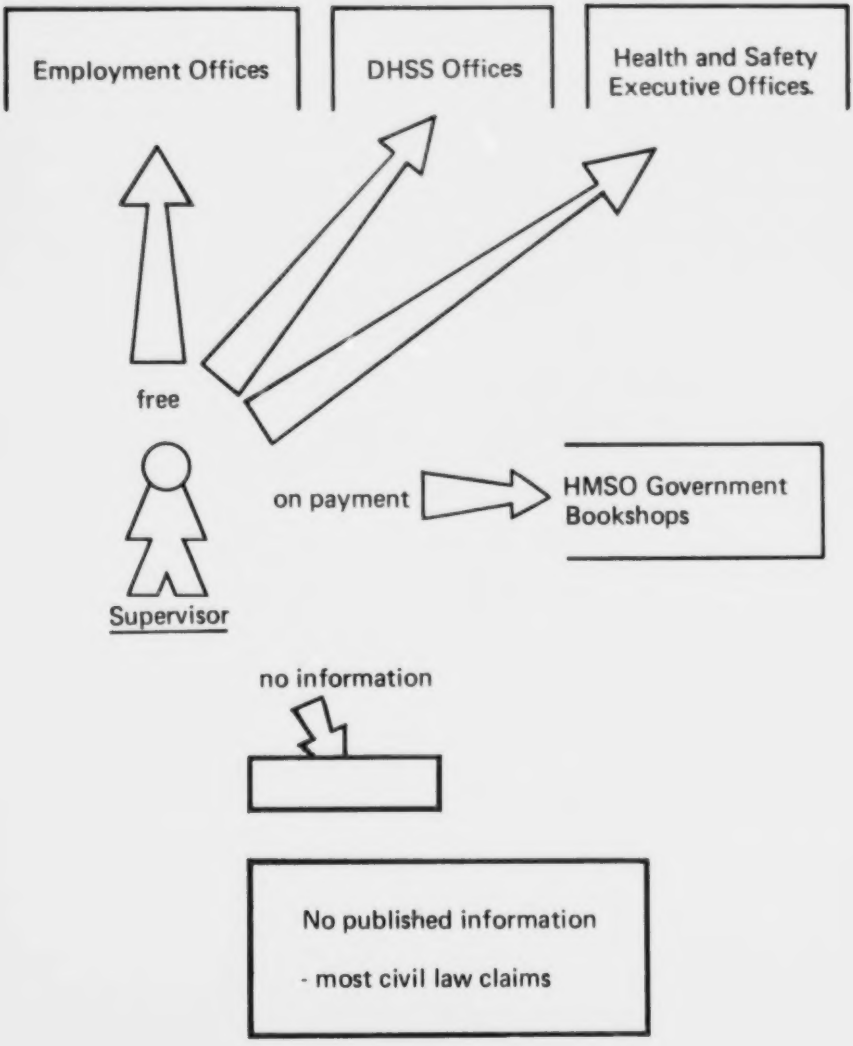
Finally, the Codes of Practice, issued by ACAS, and most of the publications on health and safety standards and practices have to be purchased from Her Majesty's Stationery Office. (See Diagram 11). Fuller information about Health and Safety sources is given in Appendix 1 on page 167.

For the legal standing of a Code of Practice see Note on page 48.

READY ACCESS

The full list of official guides is set out in Appendix 3 with an analysis of the main areas covered by employment law. The guides are published in standard-sized pamphlets, measuring 15 x 21 cms. They can be collected in a small box-file, not less than 8 cms deep. This can then be kept on a book-shelf, or, when necessary, can be conveniently carried in a brief-case.

DIAGRAM 11



SOURCES OF OFFICIAL GUIDES

If a workshop problem arises which could involve the law, prompt information is an obvious requirement. This is why supervisors need to have access to – or better still their own personal set of – the official legal guides which they can turn to for immediate advice. Employment offices sometimes find themselves temporarily out of stock of some of them, and cannot always respond to sudden demands.

KEEP THEM UP-TO-DATE

Supervisors need to take care that their set of official guides is up-to-date. Employment laws seem to be changed frequently. In addition, rates of payments for benefits or compensation – given the rapid fall in money values – are also likely to be reassessed at regular intervals. The right sources are little use if the information they contain no longer applies. To keep abreast of current benefit and other rates under the employment and national insurance laws, publications like Croner's Reference Book for Employers provide a regularly revised service of information.

LEGAL SOURCES

There is also a range of loose-leaf employment law encyclopaedias, which are similarly kept up-to-date. The Encyclopaedia of Industrial Relations Law consists of several volumes. The new Encyclopaedia of Employment Law and Practice is contained in one volume, as is Harvey's Industrial Relations. These legal reference books contain the current relevant case law – the key decisions of the Industrial Tribunals, and the various appeal courts which are used in interpreting the law.

USE THE OFFICIAL GUIDES FIRST

Supervisors are advised to rely primarily on an up-to-date version of the official guides as listed in Appendix 3. These are issued for the practical guidance of workers and employers and should be made use of. In the great majority of cases a careful study of them should give a reasonably certain answer as to whether or not the law has been obeyed. But the official guides are written in general terms only and do not claim to be a complete and authoritative

statement of the law. If there is any doubt about whether the law applies to a particular case, supervisors should not themselves attempt to get involved in the twists and turns of legal interpretation. They are not professional lawyers and are likely to get quickly out of their depth.

IF IN DOUBT, SEEK ADVICE

If supervisors are in any doubt about whether the information in the guide exactly fits the problem they are dealing with, they should refer the matter to higher management for advice. Employers, as well as employees, are entitled to go to the Regional Directors of ACAS for further information whenever the advice in the official guides leave them in doubt.

They can similarly approach the local office of the Health and Safety Executive on a problem of health, safety or welfare at work, or officials in the Employment Offices or the Department of Health and Social Security offices on national insurance procedures and benefits.

GAPS IN THE PROVISION

One of the major gaps in the provision of official information is how to claim damages in a civil court for negligence or breach of statutory duty which has led to an accident at work or the contraction of an industrial disease. No Government Department is responsible nor does the Health and Safety Executive regard this as coming within its province. The trade unions have done their best to come in and fill the gap.

Most big trade unions provide a service of professional legal advice, but their contact with their individual members is through lay shop stewards. Some of these may be relatively new appointments. They may be as yet untrained and know little about their members' legal rights . In the outcome the service to employees is very uneven, and as a result some of their legal rights are forfeited out of ignorance.

A RECOMMENDED PROCEDURE

Legal issues do not arise in isolation; they are usually just one facet

among several making up a problem. They need therefore to be dealt with on the same basis as any other workplace problem, according to the five-stage procedure illustrated on page 23 of this manual.

There are, however, certain special additional steps which have to be taken over their legal aspects.

i) Supervisors must first obtain the relevant official guides. An up-to-date set of these within ready access is an indispensable part of the supervisor's equipment.

ii) The guides must be studied carefully to ensure that the provisions under the laws apply to the particular circumstances in the workplace. The courts apply the literal texts of the laws and relevant extracts are quoted in the official guides. Their meaning will in most cases be self-evident. Whenever terms like "reasonably practicable" and "according to the merits of the case" appear, they must be interpreted in a common-sense way.

iii) Supervisors need to ensure that the management side is scrupulous in following any official procedures or conditions laid down.

There are, for example, a variety of time limits on employers in lodging appeals against decisions of Industrial Tribunals, in giving notice to terminate employment, and in informing employees about impending redundancies. In certain situations employers must give written notice of impending redundancy and of a disciplinary action. Employers could find themselves penalised by the Industrial Tribunal if they failed to comply with any of these requirements.

iv) In whatever capacity employers might find themselves in a court or tribunal, they are likely to have to provide a written statement of their case which needs to be backed up by clear and reliable evidence. The importance of producing written evidence, properly signed and dated, has been emphasised earlier in this manual.

This should take the form of signed statements of witnesses, extracts from official documents and, where appropriate, records of inspections, including sketch maps, especially where transport has been involved. This supporting evidence may be vital in establishing the credibility of a case under examination.

v) In most situations a careful study of the guide will provide a satisfactory answer to the question whether or not the law applies in any particular case. Where there is any reasonable doubt about interpreting the terms of the law, higher management should be informed and advice sought. Higher management needs to be kept informed of any matter likely to raise a legal problem and, in particular, if it appears that there are any defects in management's own policies or procedures.

vi) In reporting to the employees, discretion may have to be exercised if legal proceedings are pending. Information collected by an employer for this purpose does not have to be communicated to them. But with this reservation the workers should be kept as fully informed as possible, especially if the problem is one which might affect their working conditions or employment prospects.

THREE MANAGEMENT FUNCTIONS CLOSELY AFFECTED BY LAW

Three functions amongst the many that supervisors have to exercise which may involve them in the employment laws are outlined in this section of the manual. The information supplied here on its own provides no more than a broad outline of the legal provisions. It would not be a reliable guide to making decisions as to whether or not the law applied. For this purpose reference must be made to the official guides set out in Appendix 3 page 179.

1. HIRING EMPLOYEES

(See Diagram 12 on page 94). For further information see Appendix 3.

LEGAL RESTRICTIONS ON RECRUITING PRACTICES

There are five specific legal restrictions which have to be considered when workers are selected for employment.

i) WOMEN AND YOUNG PERSONS

There are long-standing restrictions under the Factories Act, 1961 (Section 86 ff) on the employment of women and young people. It imposes on women and young people under 18 years, along with several other limitations, a maximum of 48 hours in any week which have to be worked between 7 a.m. and 8 p.m. unless a dispensation is given. No person under the minimum school leaving age may be employed in a factory.

ii) RACIAL DISCRIMINATION

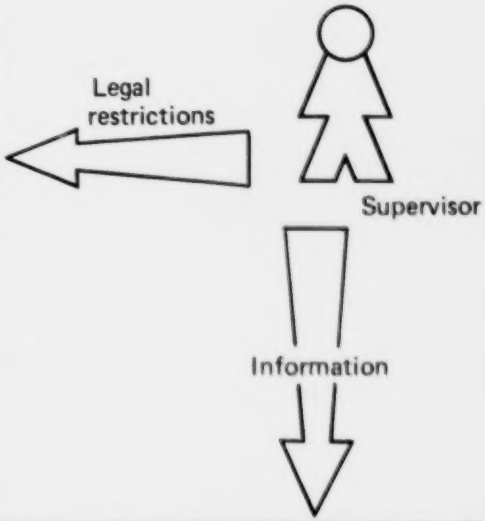
Employers may not discriminate against people of different races in recruiting employees or in the terms and conditions offered. A range of legal procedures can be brought into play to prevent discrimination.

The employer can be made to answer questions put to him by an individual applicant for a job if he feels he has been unfairly rejected or offered worse terms and conditions on the grounds of race. The

DIAGRAM 12

LEGAL CONDITIONS FOR AND RESTRICTIONS ON HIRING LABOUR

Restrictive conditions on employment of women and young persons	1
No racial discrimination	2
No sex discrimination	3
In certain circumstances priority for registered disabled workers	4
Need for union membership where union membership agreements are operating except for genuine conscientious objections	5



Information for new employees	
1.	Terms and conditions of employment Details of payment
2.	Disciplinary rules and procedures
3.	Health and safety hazards, policies and rules
4.	Role of trade unions in workplace where trade union recognised for bargaining

applicant can make a complaint to an Industrial Tribunal. After conciliation has been attempted by ACAS, the employer could then be taken before an Industrial Tribunal, which could issue a legally-enforceable order or recommendations. The Commission for Racial Equality can independently issue a non-discrimination notice upon an employer if it has evidence of discrimination, and, in the event of persistent discrimination, it can apply to the civil courts for an injunction or order.

Discrimination according to the Race Relations Act can be of two kinds, direct or indirect. Direct discrimination arises when one person, because of his race, is treated worse in terms or conditions or employment opportunities than others.

Indirect discrimination arises when all workers are offered the same terms and conditions, but these include a requirement which is not necessary for the job and which is likely to discriminate against the workers of one racial group in particular. A frequently quoted example of indirect discrimination is the requirement of literacy standards higher than are required for the particular job. These may have the effect of discriminating against immigrant workers who have only recently learnt to speak the language.

iii) SEX DISCRIMINATION

There is similar protection for workers suffering discrimination in recruitment or the terms and conditions offered on the grounds of sex or marital status. As in the case of race (see paragraph above) the law protects workers against both direct and indirect discrimination.

An applicant for a job who feels unfairly treated can put questions to an employer which have to be answered. In the same way as for racial discrimination, a complaint may be made to an Industrial Tribunal which, if conciliation by ACAS fails, has the power to issue an order to make recommendations. The Equal Opportunities Commission has similar powers to the Commission for Racial Equality to issue non-discrimination notices, and finally to apply to the civil courts for an injunction or order against an employer held to be persistently discriminating.

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iv) REGISTERED DISABLED WORKERS

There are special legal obligations on employers with 20 or more employees to take on a quota of registered disabled workers (at present 3%). In addition, designated employment (car park attendants and passenger electric lift attendants) must be reserved for registered disabled, and these are not counted in the quota.

v) UNION MEMBERSHIP AGREEMENTS

If the union has succeeded in negotiating an agreement with the employer for union membership to be compulsory, applicants for employment must be willing and able to obtain union membership, unless they can demonstrate genuine conscientious objections. The trade unions have legal freedom to exert pressure on the employer to dismiss any non-unionist where such an agreement is in force, and the dismissal cannot be regarded as unfair.

LEGAL REQUIREMENTS TO INFORM NEW EMPLOYEES

Over and above any information that employers may wish to provide to new recruits, there are four matters about which they have to be informed under the employment laws.

First, supervisors need to ensure that they are given adequate written information about their terms and conditions of employment, and the make-up of their payslips.

Secondly, they need to be informed about the disciplinary rules and procedures.

Thirdly, they must be told about their responsibilities under health, safety and welfare legislation.

These three rights to information apply to all employees whether newly recruited or not. The fourth is a special provision for new recruits laid down in the Code of Practice for Time Off for Trade Union Duties and Activities. It is that, where a trade union is recognised for bargaining purposes, an opportunity should be given to the trade union representative to explain how the trade union

operates in dealing with problems in the workplace.

INDUCTION BRIEFINGS

Supervisors who have the responsibility of giving induction briefings to new employees should draw up a check list of the information they require. The four subjects listed in this paragraph as being required by law are not, of course, the only information that needs to be imparted.

The three areas of information management have by law to provide themselves – about terms and conditions of employment, health and safety policy, and the disciplinary rules and procedures – have all to be provided in writing. But the new employees will need to have these explained to them in simple terms and to be given an opportunity to ask questions to ensure their meaning is understood.

On the fourth topic – the role of the trade unions – the supervisor could well supplement what the union representative has to say by letting each new employee have a copy of the agreed disputes procedure between the employer and the union, provided individual copies have been made available for circulation.

A fuller statement on an induction programme is contained in Section 1 of this manual.

2. DISMISSING EMPLOYEES

Note: the information in this section is insufficient to be used as a basis for making decisions as to whether or not the law applies.

For further information see Appendix 3.

WHEN DISMISSAL IS FAIR

There are now laws to prevent unfair dismissal. Supervisors need to investigate the legal situation carefully before they set in motion the dismissal procedure for any employee. There are 13 sets of conditions for which workers can be dismissed without infringing the employment laws. Supervisors must be in a position to make out a convincing case that the employee they propose to dismiss falls within one or other of these categories:

1. Incapacity – physical or mental

2. Lack of qualifications – academic, professional or technical

3. Misconduct – must be gross or repeated in defiance of successive warnings

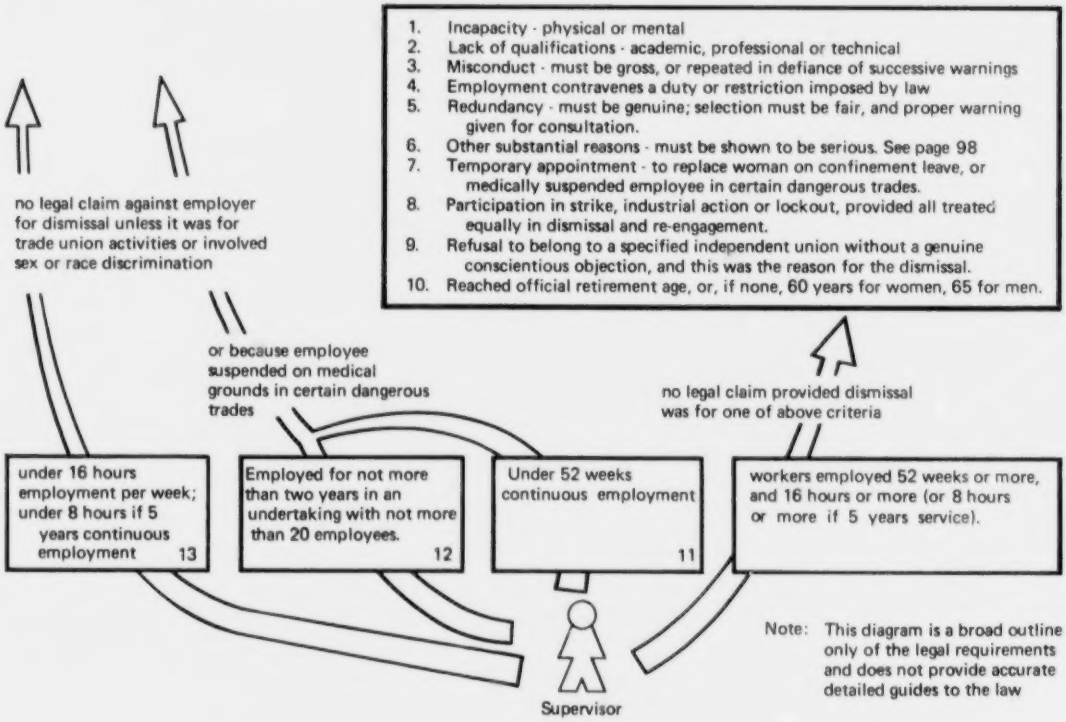
4. Employment contravenes a duty or restriction imposed by law, e.g. a driver loses his driving licence.

5. Redundancy – must be genuine; selection must be fair; and proper warning given for consultation.

6. Other substantial reasons – must be shown to be serious. They must not include pregnancy, race or sex, trade union activities, or the failure on the part of an ex-offender to reveal a 'spent' conviction.

and, in addition, for categories 1 – 6, that the employer acted reasonably in treating the reason as sufficient to justify dismissal.

DIAGRAM 13 THE LAW AND EMPLOYEE DISMISSAL


1. Incapacity - physical or mental
2. Lack of qualifications - academic, professional or technical
3. Misconduct - must be gross, or repeated in defiance of successive warnings
4. Employment contravenes a duty or restriction imposed by law
5. Redundancy - must be genuine; selection must be fair, and proper warning given for consultation.
6. Other substantial reasons - must be shown to be serious. See page 98
7. Temporary appointment - to replace woman on confinement leave, or medically suspended employee in certain dangerous trades.
8. Participation in strike, industrial action or lockout, provided all treated equally in dismissal and re-engagement.
9. Refusal to belong to a specified independent union without a genuine conscientious objection, and this was the reason for the dismissal.
10. Reached official retirement age, or, if none, 60 years for women, 65 for men.
no legal claim against employer for dismissal unless it was for trade union activities or involved sex or race discrimination
or because employee suspended on medical grounds in certain dangerous trades
no legal claim provided dismissal was for one of above criteria
under 16 hours employment per week; under 8 hours if 5 years continuous employment 13
Employed for not more than two years in an undertaking with not more than 20 employees. 12
Under 52 weeks continuous employment 11
workers employed 52 weeks or more, and 16 hours or more (or 8 hours or more if 5 years service).
Supervisor

Note: This diagram is a broad outline only of the legal requirements and does not provide accurate detailed guides to the law

7. Temporary appointment – to replace a woman on confinement leave, or medically suspended employee in certain dangerous trades.

8. Participation in strike, industrial action or lock-out, provided all treated equally in dismissal and re-engagement.

9. Refusal to belong to a specified independent union, and this was the reason for dismissal, provided the employee did not have a genuine conscientious objection to joining the union.

10. Reached official retirement age, or, if none, 60 years for women, 65 years for men.

11. Less than 52 weeks continuous employment, provided the reason for dismissal was not trade union activities; or race or sex discrimination; or suspension on medical grounds in certain dangerous trades, if employee employed for four weeks or more.

12. Employed for not more than two years in an undertaking with not more than 20 employees.

13. Employed for less than sixteen hours per week or less than 8 hours if they have five years service in the undertaking, provided the reason was not trade union activities, or race or sex discrimination.

(See Diagram 13 on page 99)

UNFAIR DISMISSAL

Any dismissed employee who felt he had a justifiable claim could make a complaint of unfair dismissal. His case would first be considered by an officer of ACAS who attempts conciliation. If no settlement could be agreed, the dismissed employee's complaint would then be submitted to an Industrial Tribunal. If the Industrial

Tribunal held the dismissal to be unfair, it could make an order for re-instatement or re-engagement, or alternatively an award of compensation. An employer need not take an employee back even though an order has been made for his re-instatement or re-engagement. But in this event the employer would be liable to pay compensation as determined by the Tribunal at a further hearing.

MANAGEMENT'S RESPONSIBILITIES IN AN UNFAIR DISMISSAL CASE

When a dismissed employee sets the procedure in motion by making a complaint, management's responsibilities are indicated in Diagram 14 set out on page102 . First, they should complete the"Notice of Appearance" form which makes provision for them to include a written statement setting out their grounds for contesting the employee's case. They will have had the opportunity of seeing the written application submitted by the employee containing the grounds on which unfair dismissal is being claimed. Secondly, they should have ready supporting documentary and oral evidence for the tribunal hearing, in case one takes place.

Thirdly, they should prepare information about the feasibility of re-instatement or re-engagement of the employee. The Industrial Tribunal may demand this information if it considers making an order for either of these.

Supervisors do not usually have to take responsibility for representing the employer at Industrial Tribunal hearings, but they need to know the procedure as they may have a role in assembling and collating the evidence, and helping to draft management's statements.

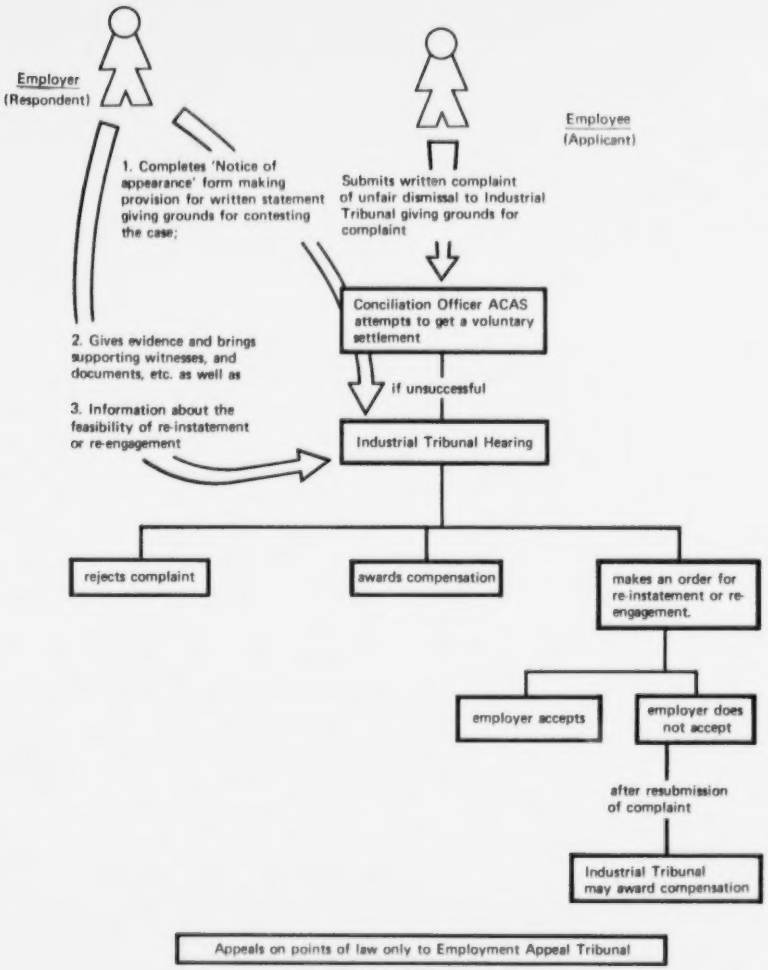

Employer
(Respondent)
Employee
(Applicant)
1. Completes 'Notice of appearance' form making provision for written statement giving grounds for contesting the case;
Submits written complaint of unfair dismissal to Industrial Tribunal giving grounds for complaint
Conciliation Officer ACAS attempts to get a voluntary settlement
2. Gives evidence and brings supporting witnesses, and documents, etc. as well as
3. Information about the feasibility of re-instatement or re-engagement
if unsuccessful
Industrial Tribunal Hearing
rejects complaint
awards compensation
makes an order for re-instatement or re-engagement.
employer accepts
employer does not accept
after resubmission of complaint
Industrial Tribunal may award compensation
Appeals on points of law only to Employment Appeal Tribunal

DIAGRAM 14 MANAGEMENT'S RESPONSIBILITIES – CONTESTED DISMISSALS

3. HEALTH AND SAFETY AT WORK

Note: the information in this section is insufficient to be used as a basis for making decisions as to whether or not the law applies. For further information see Appendices 1 and 3.

LEGAL RESPONSIBILITIES ON SUPERVISORS

Supervisors are subject, as employees, to the law on health, safety and welfare at work and, in addition, the extensive legal duties placed on employers under the 1974 Health and Safety at Work Act may devolve upon supervisors as upon all grades of management (under Section 36). The penalties for infringing the 1974 Act which may fall upon employees and employers – and on supervisors as their representatives – are heavy, in extreme cases involving unlimited fines and up to two years' imprisonment.

The supervisor's responsibilities as an employee are

- To take care of himself, anyone else he comes into contact with, and of any equipment issued for use in health and safety.

- To co-operate with the employer in fulfilling his legal duties.

The supervisor's responsibilities as the representative of his employer are

- To operate a safe place of work

  To ensure the health, safety and welfare of all employees, and others likely to be affected generally and in respect of systems of work, maintenance of plant, use, handling, storage and transport of goods, working conditions and the working environment, the means of entry into and departure from the workplace, and the atmosphere in and around the plant.

- To provide information to employees

Sufficient information must be made available for employees to anticipate and cope with any hazards associated with the job, and to familiarise themselves with the firm's safety policy.

– To provide training

There must be adequate safety training for all employees, not only safety representatives.

– To co-operate with safety representatives

Supervisors have a further legal duty to work with safety representatives.

These are appointed from among the employees by trade unions recognised by the employer for bargaining purposes, and have two main functions, as monitors of workplace safety and safety spokesmen for the employees.

– As monitors of workplace safety, safety representatives may raise complaints from the workers; investigate accidents, dangerous occurrences and outbreaks of industrial disease; and undertake routine three-monthly inspections of the workplace. Each of the three monitoring functions of safety representatives involves the identification of hazards. A procedure for doing this and making recommendations for their elimination is set out on page 107. The Health and Safety Commission recommends joint enquiries and inspections, so supervisors will need to work closely with safety representatives over these.

– As spokesmen for the employees, safety representatives represent them on safety committees and may themselves raise safety proposals direct with the management. Supervisors could therefore find themselves discussing ideas on health and safety with the safety representatives and, through them, with their workgroup as a whole.

TACKLING THEIR RESPONSIBILITIES

– Check their assignments

The first obligation on supervisors is to consult their contracts of employment, their job descriptions and the firm's safety policy statement. They must know what the small print says are the precise legal responsibilities laid upon them by their employers. They are likely to find that, as line management, they have been given responsibility along with their other management functions to ensure that work is conducted safely. If this is the situation, the courts would be likely to look first in their direction for any failure in safety arising from inadequate organisation and control.

– Ensure adequate training, equipment and authority

The employer has a legal duty under the 1974 Act to provide effective supervision in respect of health, safety and welfare at work. Supervisors need to ensure that they are not assigned responsibilities which they have not the means of fulfilling. They may require extra training, better physical resources, or more management authority before the duties set down for them can be effectively undertaken.

SOURCES OF INFORMATION

– Obtain access to information

In health and safety management, knowledge of an extensive range of directives is vital. Supervisors need to know where they can be located and what they contain. Some of the more important are listed below.

– Management rules and policies

The firm's safety policy statement has already been mentioned. This sets out as part of the total organis-

ation what the supervisor's safety responsibilities are, and how they should be carried out. In addition to the general safety policy statement management may also issue separately, safety rules for working practices and systems of work, as well as for health and hygiene. Management may also issue guides for allowing employees time off for safety training and safety duties.

– Agreed procedures

Where trade unions are recognised for negotiating purposes, procedures for the safety representatives' raising safety complaints, conducting three-monthly safety inspections, and investigating an accident are likely to be jointly agreed between management and the unions. There may be other agreements between the two parties for the dissemination of information to safety representatives and employees, and for their safety training.

– Official publications

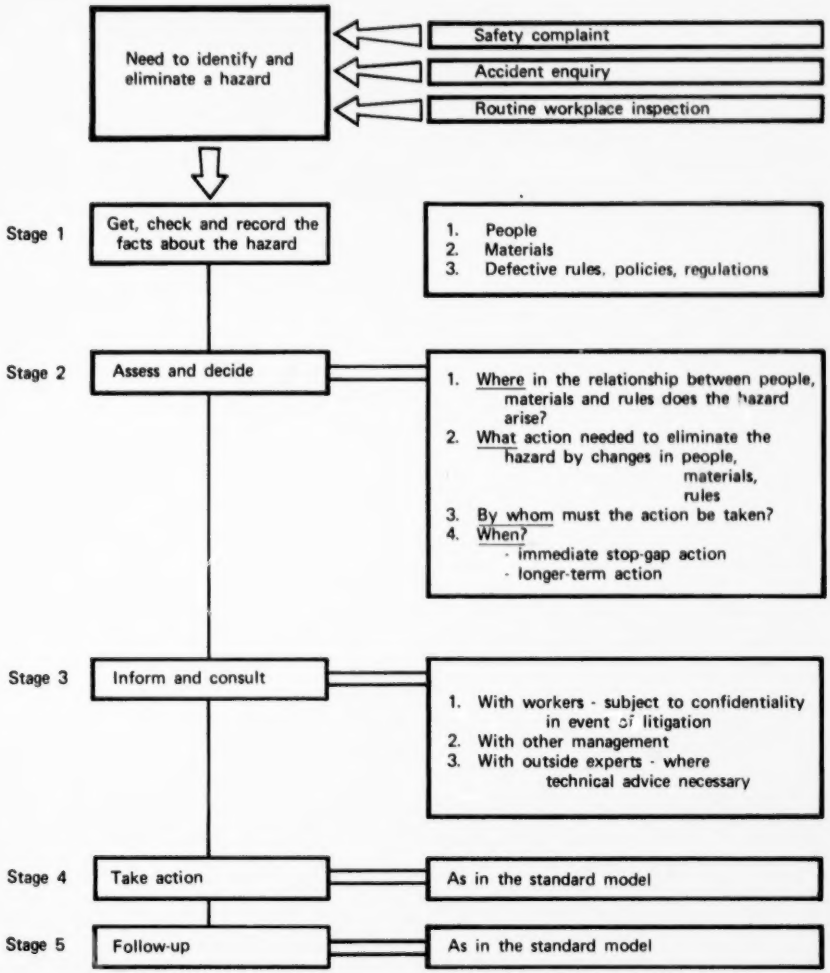
A wide range of publications is available on hazards and their prevention, and on how to operate an effective safety policy. Some of these are free and can be obtained from Health and Safety Executive offices. Others need to be purchased from Government bookshops.

These publications, which run into many hundreds, include:

A bi-monthly newsletter giving details of current developments in the Health and Safety Executive; the texts of the Statutory Regulations, Orders and Acts of Parliament relating to health, safety and welfare.

(Any of these applying to a workplace have, by law, to be posted up where employees can read them)

DIAGRAM 15 PROCEDURE FOR HAZARD ELIMINATION


Need to identify and eliminate a hazard
Safety complaint
Accident enquiry
Routine workplace inspection
Stage 1
Get, check and record the facts about the hazard
1. People
2. Materials
3. Defective rules, policies, regulations
Stage 2
Assess and decide
1. Where in the relationship between people, materials and rules does the hazard arise?
2. What action needed to eliminate the hazard by changes in people, materials, rules
3. By whom must the action be taken?
4. When?
- immediate stop-gap action
- longer-term action
Stage 3
Inform and consult
1. With workers - subject to confidentiality in event of litigation
2. With other management
3. With outside experts - where technical advice necessary
Stage 4
Take action
As in the standard model
Stage 5
Follow-up
As in the standard model

A wide range of explanatory booklets and leaflets on hazards and safety policies;

and guidance notes giving technical information on hazards.

– Getting advice

In case of doubt about what are the appropriate sources, advice may be obtained from the Health and Safety Executive's advisory services located in their offices. The HSE have a legal duty to provide relevant information to employers, workers and the public at large.

FOLLOWiNG A PROCEDURE FOR HAZARD ELIMINATION

A problem which may involve a hazard to health or safety may be tackled on the same basis as any other workshop problem, by the standard model based on the five-stage procedure illustrated on page 23. It is here adapted to a health and safety context.

– Stage 1 relates to collecting, checking and recording information on a hazard.

– Stage 2 relates to analysing the hazard and making recommendations for its elimination.

ANALYSING A HAZARD

The causes of a hazard arise from three separate sources, either alone or in combination. These are:-

a) People
b) Materials
c) Defective rules, regulations, policies, codes, etc.

In analysing the hazards the role of each of these three needs to be determined and the effects of their interrelationship. Where amongst them or between them does the hazard arise?

ELIMINATING A HAZARD

a) What action needs to be taken to eliminate the hazard by changes in
   - Materials
   - People: their training, attitudes
   - Rules, policies, regulations

b) By whom

c) When

d) If the required changes take time, what stop-gap remedies are proposed?

– Stage 3 relates to communication and consultation. If the employees are to be positively committed to safety at work, they need to be fully informed. There is, however, one reservation about what can be communicated.

The employers may be involved in litigation directly with one or more of their own employees, in, for example, claims for damages resulting from an accident at work. Supervisors should bear in mind that information being gathered by the employer for this purpose does not have to be communicated to the employees.

If the recommendations supervisors put forward make demands on workers – either on their attitudes, levels of awareness, or work practices – they clearly need to be not just informed, but positively associated with them. For this, communication on its own is not sufficient, a two-way process of consultation is required.

For further information on consultation see page 146.

If questions arise which need someone with technical knowledge to answer them, advice may have to be sought from professionally qualified authorities. Management has a legal right to call for help from the Health and Safety Executive's advisory services. They will either provide the information themselves or recommend some other source.

– Stages 4 and 5 relate to taking action and following-up, and these follow the standard model.

CHECK LIST

SECTION 3

WORKERS AND THE LAW

i) Know the areas covered by employment law.

ii) If it appears that a problem could involve any one of the laws – consult the official guide.

iii) Make sure it is up-to-date.

iv) Follow its instructions carefully.

v) If any procedures are required – for giving notice or submitting written evidence or warnings – follow them exactly.

vi) If there is any doubt as to whether the laws or the procedures under the laws apply to the particular workplace problem, pass it up to higher management. Do not attempt to guess the answer.

vii) Inform all concerned, including employees, subject to confidentiality if legal proceedings are involved.

LEGAL CONDITIONS FOR HIRING LABOUR

i) Restricted conditions on employment of women and young persons

ii) No racial discrimination.

iii) No sex or marital discrimination.

iv) In certain circumstances, priority for registered disabled workers.

v) Need for union membership where union membership agreements in force, except for genuine conscientious objectors.

Check List cont.....

vi) Information on – terms and conditions of employment and details of wage payments;
– disciplinary rules and proceedings;
– health and safety hazards, policies and rules;
– role of trade union in workplace where trade unions recognised for bargaining purposes.

vii) Induction briefings including this information should be based on a check list.

LEGAL CONDITIONS FOR DISMISSING WORKERS

i) Conditions under which dismissals are fair or otherwise legitimate. Subject to (in a – f below) the employer acting reasonably in treating the reason as sufficient to justify dismissal.

a) Incapacity
b) Lack of qualifications
c) Misconduct – (must be gross or repeated)
d) Employment contravenes duty or restriction imposed by law
e) Genuine redundancy
f) Other substantial reasons, which must be serious.
g) Temporary appointment (in special circumstances).
h) Participation in strike, etc. provided all treated equally.
i) Refusal to belong to specified union without a genuine conscientious objection.
j) Reaching official retirement age.
k) Employed for less than 52 weeks.
l) Employed for less than 16 hours per week (8 hours if over 5 years' service)
m) Employed for not more than two years in an undertaking with not more than 20 employees.

ii) Legal rights of employees against unfair dismissal.

– for any reason not included in the above 13 categories.

Check List cont.....

iii) Procedure for an employee complaining against unfair dismissal.

- Submission of a written complaint to Industrial Tribunal followed by conciliation as a first step by ACAS conciliation officer.

iv) Responsibilities on management in event of employee complaint against unfair dismissal.

a) Complete "Notice of Appearance" setting out grounds for contesting case.

b) Marshal witnesses and documents for employer's reply to employee's complaint.

c) Prepare written information about the feasibility of re-instatement or re-engagement of employee for information of the Industrial Tribunal.

v) Employer's right not to have to re-instate or re-engage dismissed employee after Industrial Tribunal's Order to do so. But the Industrial Tribunal may then go on to award compensation to be paid in lieu.

3. HEALTH AND SAFETY AT WORK –THE SUPERVISOR'S APPROACH

i) Legal responsibilities on supervisors under the Health and Safety at Work Act:

a) As representatives of the employer in carrying out the legal charges laid on him

b) As employees to carry out the responsibilities laid on them.

ii) EMPLOYER'S REPRESENTATIVES

a) Safe place and system of work.

Check List cont.....

b) Information to employees on health and safety policy and methods of avoiding hazards.
c) Training of employees as appropriate on health and safety responsibilities.
d) Co-operation with safety representatives as:
   - Monitors of workplace safety.
   - Employee spokesmen on health and safety.

iii) Supervisors should check their own legal responsibilities from:

a) The company's written policy statement
b) Their terms and conditions of employment.
c) Their job specification.

iv) Supervisors must ensure they have the necessary facilities, training and authority to carry out the responsibilities assigned to them. The employer has a legal duty to provide competent supervision in health and safety at work.

v) Supervisors need access to other published sources of information on health and safety at work from:

Management policies
Agreed procedures between the firm and the unions
Official procedures as set out in laws, regulations, orders, and the Health and Safety Executive's Codes of Practice.

vi) When in doubt, advice should be sought from higher management;
and via them from the Health and Safety Executive's advisory services.

HEALTH AND SAFETY AT WORK

PROCEDURE FOR ELIMINATING HAZARDS AT WORK

i) Issues likely to arise. The safety representative's functions of raising safety complaints, enquiring into accidents, out-

Check List cont.....

breaks of industrial disease or dangerous occurrences or of carrying out routine safety inspections may each lead to a query about the existence of a hazard, together with a request to examine and eliminate it.

ii) Get, check and record the facts about the hazard in respect of:

a) The people concerned
b) The materials
c) Any defective rules, policies or regulations.

iii) Assess – where in the relationship between people, materials and rules does the hazard arise.

iv) Assess what action needs to be taken to eliminate the hazard by changes in:

People
Materials
Rules

By whom must the action be taken

When – Giving proposals for immediate stop-gap action if the long-term remedy takes time.

v) Inform and consult: – Workers
– Management
– Where necessary, outside experts.

vi) Take action.

vii) Follow up.

EXERCISES

SECTION 3

1. Discuss any precautions you need to take in using the official guides on employment law as sources of information on whether the law applies to a particular workplace problem.

2. In investigating a workplace problem which involves a possible breach of the law, what aspects ought you to clarify? Illustrate these from an actual example you have yourself met as a supervisor.

3. Cite any example you have met (or have heard about) where a worker has complained about racial discrimination. Discuss the basis on which the claim was made, its merits or demerits in your judgement, and its outcome. To what extent did the existence of legislation on racial discrimination affect the way the problem was handled?

4. Cite any example you have met (or have heard about) of sex or marital discrimination at work and analyse it in the same manner as in question 3.

5. What experience have you had in welcoming new employees and introducing them to their new jobs? How have you managed to convey the information required by law, and what methods do you use for ensuring that these employees remain aware of this information?

6. What experience have you had of workers being dismissed? Discuss any case you know about and analyse the reasons for the dismissal and show how these fall within the 13 categories described in Section 3 of the manual.

7. If one of the employees for whom you are directly responsible as supervisor were dismissed and subsequently complained of unfair dismissal, describe how you would go about assembling the material the employer would require in order to defend the decision in the event of its being heard by an Industrial Tribunal.

Exercises cont.....

8 Outline the legal responsibilities for health, safety and welfare at work placed on you as supervisor in the employer's written safety policy statement and your job description. Describe how you are equipped in terms of information, training and authority to carry them out.

9. What sources of information on health, safety and welfare at work are available to you? How do you make the relevant parts of this information known to your workgroup?

10. Consider a situation in which an employee is injured at work in an accident as a result of which both the employer and the employee are prosecuted under the 1974 Health and Safety at Work Act. The employee then makes a civil law claim for damages against the employer. In consequence of his injuries he is absent from work and makes an appeal against the insurance officer's ruling over the payment of national insurance injury benefit. In due course he goes before a medical board to be assessed for disablement resulting from his injuries. He later makes a further appeal against their disablement assessment. Finally, he is dismissed by the firm because of a physical incapacity to do the job and he lodges a complaint of unfair dismissal.

Trace out on the diagram on page 175 of this manual the judicial procedures likely to be involved and decide what role, if any, the supervisor should play in each of the six legal processes involved.

11. The safety representative has come to you as supervisor with a complaint that there is a fire hazard in the plant and that the employers are in breach of the Health and Safety at Work Act. He pointed out that the firm has never conducted a fire drill and given the employees the opportunity of actually using the escape routes to the various assembly points. The charts of the escape route, notices on the notice-boards and the direction signs on the walls and doors would not be quickly understood by some of the very large number of women employees whose first language is not English, and who do not normally think or speak in it.

Exercises cont.....

Consider this complaint and then role-play the meeting between the supervisor and the safety representative. Role-players should assume that there is no relevant information available other than that provided by the brief. They should not invent imaginary circumstances which would materially affect the case.

12. Tick any of the following statements which accurately summarise the prevailing situation, and then check your answers from the text of the manual, Section 3.

i) One of the Codes of Practice issued by ACAS, which can be quoted as evidence that an employer is conforming to the law, recommends that a newly-recruited employee should be given information about the role of the union in the workplace by the appropriate union representative.

ii) The law does not compel an employer to take back an employee whom he has dismissed, even though an Industrial Tribunal finds that the dismissal was unfair.

iii) No women are allowed to work after 8 p.m. in factories in the U.K. under any circumstances.

iv) A person complaining of racial discrimination can put relevant questions to an employer which he is legally obliged to answer.

v) No person can be dismissed merely because he or she refuses to take out union membership where there is an agreement for union membership to be compulsory.

vi) A worker, employed for 6 years continuously, working 10 hours per week, is entitled to written information on the main terms of his contract.

vii) There are laws to protect married as well as single women from being discriminated against in employment in this country.

Exercises cont.....

viii) An Industrial Tribunal can award compensation which the employer must pay, if they decide that an employee has been unfairly dismissed, or if they order reinstatement or re-engagement, and the employer refuses to comply with the order.

ix) There is no such thing as a generally applicable legally-enforceable minimum wage in this country, but there are legally-enforceable minima for certain specific groups of employees.

x) The duty of care on employers and employees under the 1974 Health and Safety at Work Act extends to all people in the plant, except those who are either self-employed or who are employed elsewhere.

xi) Registered disabled workers have priority for some employments as, for example, passenger electric lift attendants.

xii) A safety representative must by law be appointed in all workplaces if there is a request from the trade union in the plant.

xiii) There is no official published material providing a list of prescribed industrial diseases which workers can refer to.

xiv) The law lays down that it is unfair to dismiss employees for taking part in an officially supported strike.

xv) There are only two essential elements in a hazard at work: faulty materials being one, and defective rules, regulations and codes the other.

xvi) The Employment Protection Act has given legal rights to women at work for paid leave during pregnancy, and the right to return to work after their confinement.

Exercises cont.....

xvii) An employee is legally entitled to reasonable time off work for certain public duties.

xviii) There is no official published material to advise workers how to claim damages at Common Law arising from an accident at work.

xix) An employee may be dismissed fairly if he (or she) is not physically capable of doing the job properly and the employer has acted reasonably in dismissing him (or her).

xx) Employers have a duty to inform employees of every aspect of their enquiries resulting from a hazard at work.

Answers on page 192.

SECTION 4 COMMUNICATIONS

THE NEED TO COMMUNICATE

Industry requires co-ordination, and large-scale industry requires large-scale co-ordination. Supervisors have to keep their department in step with the policies of higher management and with other departments, and within their own department they have to keep the employees in step with each other. To co-ordinate they need to communicate. They need the skill to express themselves clearly and get their point across. They also need to understand the network of communications, to pick the right channel for the message they have to send, and the appropriate medium for conveying it.

KNOWING THE NETWORK

Mass production, mass markets and transnational ownership and control have hugely increased the extent and complexity of business communications. The traditional single vertical line between the top manager and his first-line supervisor, the foreman, who decided everything from production lay-out to individual personal problems underneath his own bowler hat, is now a thing of the remote past. There are sometimes as many as four intervening stages of management between the executive director and the first-line supervisor. In addition, there are often separate specialist departments and functional managers dealing with each of several aspects of production, payments, working practices as well as with personnel, administration and training. A miscellaneous collection of maintenance engineers, work study officers, instructors and personnel managers may have a contribution to make. Decisions in one workplace may bring in several separate departments and as many management policies.

Communications vary in type and origins, and some have their own separate channels. These include house journals, published copies of the annual report, management policy statements, the agreed minutes of trade union-management committee meetings, fire precaution notices and a great many others. They vary in substance and

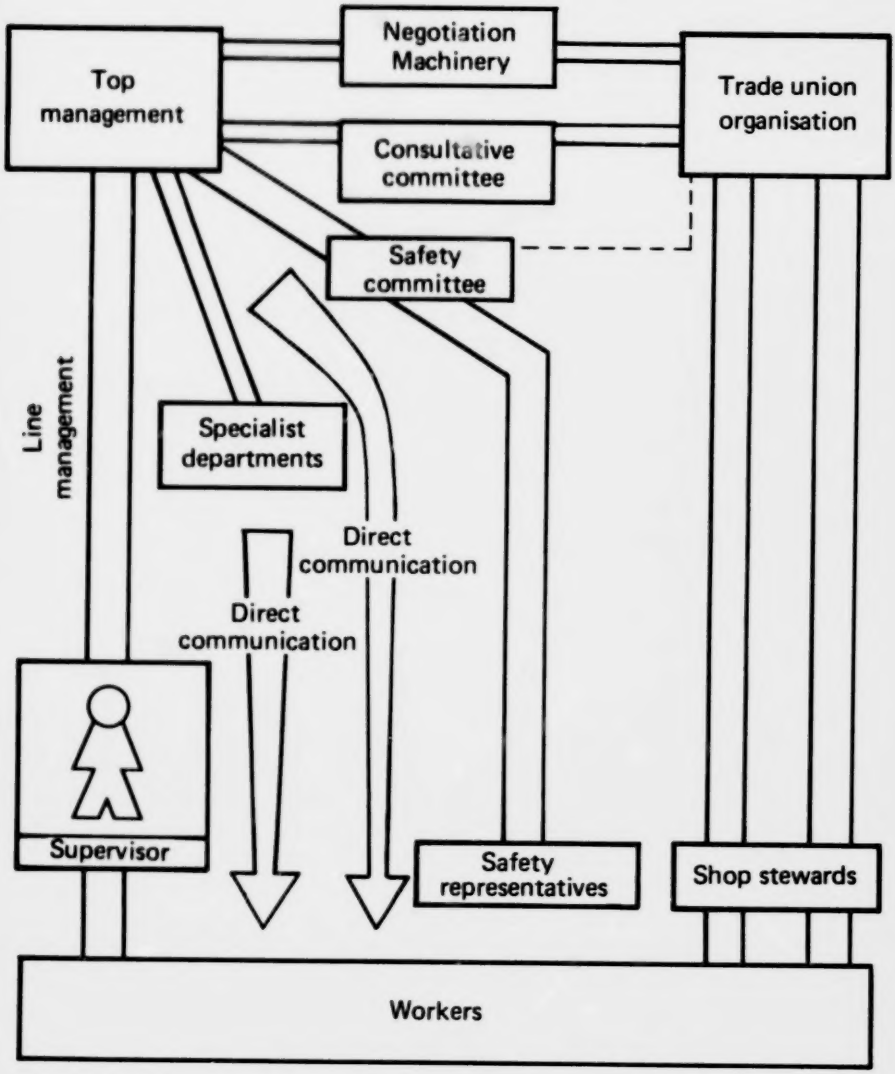


DIAGRAM 16

MULTIPLE DECISION-MAKING AND COMMUNICATIONS CHANNELS

purpose. They may constitute working instructions, messages of encouragement and goodwill, or sometimes simply general background information. Some go direct from top management to the rank-and-file workers.

The problem does not only arise from the ramifications of management's own structure. The development of multiple decision-making processes as a result of joint negotiations between management and trade unions, and joint consultation with workers has further diversified and sometimes crossed the lines of communication.

These must now, as a result of pressure for workers' participation, flow upwards as well as downwards, and, thanks to the establishment of joint negotiations, sideways to the trade unions as well.

REMEDYING WEAKNESSES IN COMMUNICATIONS

Diagram 16 on page 122 sets out part of the communications network. It illustrates one of the problems modern first-line managers face. There is a built-in danger that they will be by-passed. Communications and decisions may flow down one of the several channels which miss them out. The supervisors could find themselves in the invidious position of hearing first about higher management decisions from members of their own workgroup.

There is no escape from the development of multiple decision-making processes. It is a necessary part of the democratisation of modern industry.

Supervisors need to meet the challenge by ensuring that their own line of communication with higher management operates so freely and speedily that no relevant decision or information will be passed down any of the other channels which is not also conveyed as quickly down their own.

GOOD UPWARD COMMUNICATIONS

The best way of getting effective downward communications is to make sure that the upward communications are good. Supervisors

ought not to think of line management merely as a channel for receiving instructions from above. If the downward flow to them is in any way inadequate, they are strategically placed to rectify it by making use of its upward flow to alert higher management to their needs.

They should seek opportunities for formal meetings with higher management in which inter-communication can be direct and face-to-face with all the supervisors together. At such a meeting the whole subject of communications could be discussed. Given the ease of duplicating information, there ought to be no great problem for higher management to ensure that supervisors receive information as soon as anyone else. No supervisor ought reasonably to complain about defects in the communications system until these means have been used to rectify them.

The weakness may indeed not be in the communications system as such, but in the supervisors' failure to make full use of it.

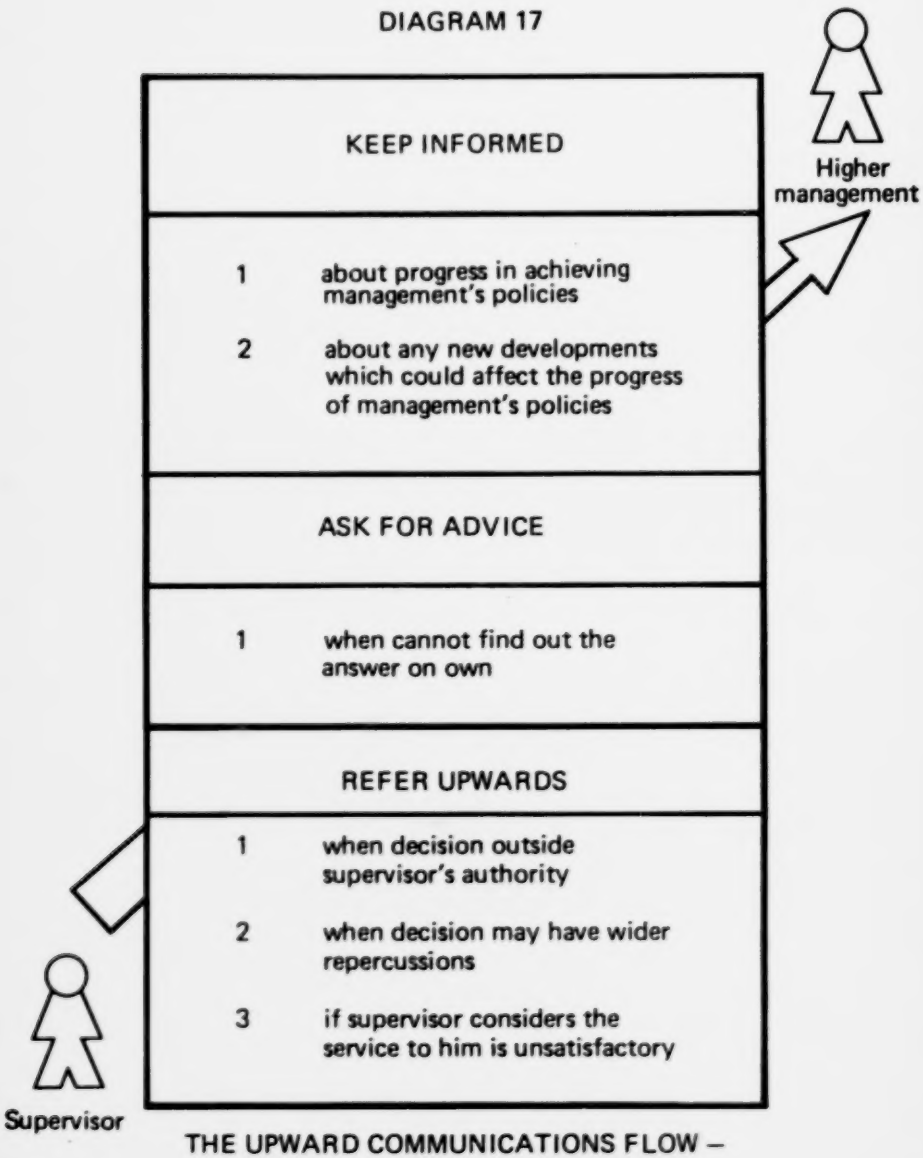
The first responsibility about communications is to ensure that the upward flow is properly used. The accompanying Diagram 17 lists the issues which should be passed up to higher management. Two of these relate to the supervisors' own problems, and the remaining four are the means of keeping the organisation in step.

In making use of the upward communication channel supervisors should remember that written words have the advantage of permanency over the spoken word.

An observation about failure to communicate is likely to be a lot more effective put in an official minute than spoken over the telephone or across the table in the works canteen. It remains a standing record. Similarly, any decision at a meeting with higher management about improving communications should be recorded in a written minute. This way, no one has any excuse to forget.

A similar procedure needs to be operated whenever problems with higher management arise. Any inconsistency or failure to support policies – on pay, discipline, health and safety at work or negotiating procedure – on the part of higher management which prevents a supervisor properly carrying out his job can only be treated

DIAGRAM 17


KEEP INFORMED
1 about progress in achieving management's policies
2 about any new developments which could affect the progress of management's policies
ASK FOR ADVICE
1 when cannot find out the answer on own
REFER UPWARDS
1 when decision outside supervisor's authority
2 when decision may have wider repercussions
3 if supervisor considers the service to him is unsatisfactory
Higher management
Supervisor

THE UPWARD COMMUNICATIONS FLOW – LINKS WITH HIGHER MANAGEMENT

in the same way.

The supervisor needs to put his problem to higher management, preferably in writing, and to press for an early opportunity to get it resolved.

Many supervisors are themselves members of a trade union which is recognised by the employer and have access to higher management through negotiating channels. The supervisor should nevertheless in the first instance raise the problem on his individual responsibility through the normal line of communication with higher management.

He expects his own workgroup to come to him first with a grievance before bringing in the trade union, and ought to behave similarly when he has a problem of his own.

REPRESENTATION FROM SUPERVISORS

Something can also be done within management's own structure to protect supervisors from being by-passed. The Health and Safety Commission made the sensible point that first-line managers should have a representative on the management side of safety committees, which are provided for under the 1974 Health and Safety at Work Act.

With their representative on this committee, they are much less likely to be overlooked, either when decisions are being made, or when they are being communicated.

Supervisors should take the opportunity of recommending some similar arrangement for negotiating and consultative committees, which often tend to be restricted, on the management side, to representatives from top management only.

TECHNIQUES OF COMMUNICATION

a) WORD OF MOUTH

Since supervisors are in face-to-face contact with their workgroup the spoken word is the normal form of communication with them. Supervisors must be able to talk to the point, and to do so in a way that carries conviction with their hearers. Their statements should be clear, simply expressed, accurate, and, as far as practicable, brief. But they should be ready, in situations where important decisions have to be made, to argue their case more fully to their workgroups.

This does not necessarily mean they should talk at length. But they should be able to set out the reasons which lie behind a decision so that its purpose is clear. They should also be able, whenever the need arises, to indicate the consequences which can logically be expected to follow from it.

With a good written brief to remind them of the key points, these can be outlined in the space of a few minutes. But time needs to be allowed for the workgroup to ask questions and have any uncertainties or misgivings about the proposals answered.

Emphasis has been put on clarity. But supervisors also have to be persuasive. This comes partly from a clear and intelligible brief, partly from a firm but friendly manner of delivery, and partly from getting in tune with their audience.

GETTING IN TUNE WITH THE AUDIENCE

So far attention has been directed to the outgoing aspect of communications. How well was the message put together? How clearly was it delivered? No less important is the incoming aspect. What impression does the communication make on the receivers? It is not just a question of getting it understood. Will it annoy, shock or frighten them? Supervisors need to put themselves in their audience's shoes. Does the message take account of their needs, susceptibilities or fears? Speakers need to be able to make their audiences feel that they are aware of and sensitive to their interests.

Only then are they likely to listen responsively.

b) THE WRITTEN WORD

For reliability spoken communications need to be backed up by the written word. Supervisors should make a practice of setting down on paper any major proposals they intend to put forward. Putting it in writing not only acts as a check for subsequent reference; it involves its own discipline. It should bring precision and certainty to any commitment: what is proposed is what is written down, no less and no more.

Again as a general rule, written statements need to be short and clear. Long sentences with subordinate clauses should be avoided.

Spelling can also be a problem. Supervisors need access to a good dictionary, something like the Concise Oxford Dictionary, which contains directions about the way certain forms of words are spelt. Pocket dictionaries are less useful from this point of view.

c) WRITTEN MINUTES

Perhaps the most important record the supervisors make is the written minute of proposals they put forward or of requests they receive. This should consist of the time, date, and (where necessary) place, the name of the person/s referred to, the broad subject of the request being made, underlined, and finally the specific proposal being put forward. It then needs to be dated and signed by the supervisor concerned. The proposal or decision – it is important to distinguish which – needs to be as brief as is consistent with the inclusion of all the essential facts.

No additional comment is necessary. The minute is the official record of proposed or actual action; the plainer it is the better.

An outline for a minute is set out overleaf

Serial No: 25

Names; Time; Date; Place

Subject Heading

Specific terms of the decision or request

Who does what, when

Signed:

Authority:

Date:

Many supervisors are issued with minute books with pages serially numbered and provision for making carbon copies. If these are not available, some form of serial numbering ought to be used as a means of identifying minutes in case they have to be referred to later.

d) WRITTEN REPORTS

i) BUSINESS REPORTS

Sometimes supervisors have to convey, not merely proposals or decisions, but the arguments in their favour as well. These are usually described as reports. In view of the purpose they have to serve, they cannot be as brief as minutes of decisions. They have to include the arguments in favour of taking action and, if the issue is a complex one, these cannot always be expressed in a few words. What first

is needed is a prepared framework into which the various sections of a report can be fitted. The one set out on page 131 has been designed to do this. It consists of five sections. Sections 2 and 3 are shown in alternative forms depending whether the report is about a proposal (a) or a problem (b).

The first section contains the title of the report, referring to its main subject matter, followed by a brief paragraph indicating any people, places, and times necessary to identify it more precisely. The title should be written across the centre of the top of page 1 of the report in capital letters and underlined.

Each of the sections 2 to 5 should start with a side-heading written on the left-hand side of the page and underlined. A few lines should be left blank before each new side-heading so that it stands out prominently. This makes the report easy to refer to as each section is clearly headed and is separated from the rest of the text. Numbering the side-headings consecutively is a further help to easy reference.

A good margin should be left down the left-hand side of the page, providing room for anyone studying the report to make his own personal notes on it.

If the report runs into more than one page, each page should be numbered, and carbon copies kept in sufficient quantity to provide one for each interested party and one for the supervisor's own file.

If supervisors keep to this framework they can be reasonably confident that they have covered the main points. It will help them to make their message clear. They still have to make it persuasive, and to do this they will naturally want to put their case as strongly as they can. But they need to take care not to sound aggressive or overbearing. "Request", "Recommend", "Advise" are likely to get a better response from higher management than "Demand, "Insist", "Require".

FRAMEWORK FOR A REPORT

Serial No.....

1. Identifying headings

The subject being reported:

- Who?
- When?
- Where?

The main title for the report underlined

in a short supporting paragraph amplifying the subject.

2a. If it is a proposal

What are its:

- Advantages
- Disadvantages?

3a. What is the balance of advantages and disadvantages, and what action is recommended?

2b. If it is a problem

After examination, is it a real one?
What is it? How big is it?

3b.
- What are its likely consequences?
- How can it be remedied?

4. Action recommended or taken

Who ..... Workers?
Supervisors?
Higher management?
Others?

has to do What? When?

Decided .....
(if within supervisor's authority)

Proposed .....
(if not, or if further consultation required)

5. Report sent to:

- for action
- for information

Signed: .....

Authority: .....

Date: .....

ii) REPORTS FOR THE RECORD

Occasionally supervisors might be asked to submit a written report on a conference or a course they have attended. This type of report is normally intended to convey information rather than to make proposals for action. Such a report cannot therefore conform in every detail to the pattern indicated in this manual on page 131. It needs however to be set out systematically and should begin with the identifying facts to enable the report to be set in its context. If it is interesting and instructive to read, so much the better. Thinking out the two or three main issues and drafting the report round them, with a few striking examples to bring them to life, should help in making it lively and readable.

iii) REPORTING AN ACCIDENT AT WORK

Reporting an accident at work needs special and separate attention. Supervisors need to keep written reports of all accidents at work which involve loss of time from work; any occurrences which, though causing no injuries, represent a threat to health, safety or property in the workplace; and any outbreaks of prescribed industrial diseases. A list of these can be obtained from the Department of Employment Offices. (See Appendix 3, page 179). These reports serve three vital purposes. One is to provide the means of monitoring health and safety performance and standards; another is to provide testimony in the event of any legal action being brought against the employer; and the third is to meet the statutory duty to report the more serious accidents to the appropriate government departments. These have to be entered on a special official form.

Many organisations issue their own standard forms for accident reporting. The form set out on page 133 makes provision for all the essential elements, and conforms to the requirements of Regulation 8 of the Notification of Accidents and Dangerous Occurences Regulations 1980.

REPORT FORM FOR AN ACCIDENT AT WORK

Full name of injured person (including forenames)

Works Number Dept.

Sex Age

Time, Date of accident

Occupation

Description of circumstances

Who was doing what, and how the accident happened.

If machinery involved, name and type, part causing injury, whether under mechanical power

If caused by crane or other lifting machine – What type?

Location of the accident

Name and addresses of witnesses – if any

Injury

Nature and extent – location

Whether fatal or non-fatal

Effect on employment

Time Lost

Alternative work

Medical Treatment

Records Kept

Accident report book

Sick room register

Report submitted to

Signed: .....

Authority: .....

Date: .....

e) OFFICIAL LETTERS

Official letters do not have to sound unfriendly or impersonal. To an employee in hospital, for example, an expression of sympathy and hopes for a quick recovery would be appropriate – more than that – even essential. Provided the official message in the letter comes over clearly, there can be no objection to an informal, relaxed, even personal style of writing.

But official letters have a business purpose. They do therefore have to conform to certain standard forms and procedures. One is that they need to have a recognisable layout. One recommended lay-out is set out on page 135, followed by notes on the lay-out, and an example of a letter. Another requirement of an official letter is that a copy is kept for reference. For all official letters, even when they are handwritten, carbon copies should be made and kept. They would constitute evidence that the letters had actually been written and also provide a durable record of their exact contents.

Finally, if the letter is intended to carry the authority of the organisation, it needs to be written on the organisation's own headed note-paper.

LAY-OUT OF AN OFFICIAL LETTER

A Copy/ies to .....

B Telephone number

Own address in full, including town and county, and post code C

D Any reference numbers
Your ref.....
My ref.....

Date in full, including month and year E

F Name, official position and full address of the person to whom the letter is being sent

G Dear Mr/Ms. (Sir/Madam),

H Heading giving subject matter (Underlined)

One paragraph describing the problem

I

A second paragraph requesting action or stating what is being done

J Yours sincerely, (truly)

K Signature
Name printed in capital letters underneath

L Official position

M Encl.

NOTES ON THE LAY-OUT OF AN OFFICIAL LETTER

A. If a carbon copy of a letter is being sent to anyone else, in addition to the person it is addressed to, it is usual to note the fact at the top of the letter, and to underline it, so that the recipient can see at a glance who else has a copy.

B. The writer's telephone number is usually written in the top left-hand corner where it is easy to see; sometimes it is found on the right, below the address but above the date.

C The writer's full address should be written in the top right-hand corner.

D. It is helpful to quote the reference number and/or letters ("your ref.") given at the top of any letter being answered to enable the recipient to link it with previous correspondence. "My ref." should include any letters or numbers which will help the writer to file it with relevant correspondence. A simple reference system is to number each letter from the beginning of the year – 1/81; 2/81, and so on.

E The full date should appear immediately below the address. Not just "Thursday", but the date, month and year.

F. It is usual for the name, official position and full address of the recipient to be given on the left-hand side. This is to ensure that the letter gets passed to the right person in the event of it being opened by a clerk in the office. If the envelope is damaged, it enables the Post Office to deliver it to the correct address.

G. The letter should start "Dear Mr. Smith/Ms Smith" if the name of the addressee is known; "Dear Sir or Madam" if it is not.

H. A brief heading, underlined, is a help to the reader to understand at once the subject of the correspondence.

I. The first paragraph should set out the problem or subject

matter, and give any details that are necessary. If the problem is complex, it may need more than one paragraph to explain it. Alternatively, if the latter is a simple self-evident request, no introductory paragraph at all would be necessary. The final paragraph should set out the action that is being requested, or the action that the writer is proposing to take. (The way to indicate that a paragraph has come to an end is to leave a line or two blank and start the next paragraph slightly down the page.)

J. The customary ending to a letter is "Yours sincerely" when the recipient is addressed by name (i.e. "Dear Mr. Smith") or "Yours truly"/"Yours faithfully" if the letter starts "Dear Sir".

K. The signature should always be hand-written even if the rest of the letter is typed. To avoid the embarrassment of a correspondent being unable to read the writing, it is advisable to type or print in capitals the name immediately beneath the signature.

L. If the letter is being written in an official capacity, the writer should add the position he holds beneath his name.

M. If a document has to be enclosed in a letter (for example, a copy of a report which is being circulated), it is usual to note this at the end of a letter to prevent it being overlooked.

An example of an official letter is given on page 138.

AN EXAMPLE OF AN OFFICIAL LETTER

A Copy to Departmental Manager

B Tel:- 021 345 2961

Gulliver & Sons,
Parton Street,
Warby, C
West Midlands,
WY1 4XO

D My Ref:- 2/81

8th January, 1981 E

F Information Officer,
ACAS,
Suffolk Street,
Queensway,
BIRMINGHAM.
B1 1TZ.

G Dear Sir or Madam,

H Job Evaluation Information

At a recent meeting of our department at Gullivers, some of our employees raised the question of going over to a system of Job Evaluation in the firm. We have no experience of this system and the Departmental Manager has asked me to find out what official advice is available.

I

I would be grateful if you could let me know what information ACAS has to offer us on this subject, and if there is any other service which we might call upon.

J Yours truly,

A. L. Bell.

K A. L. Bell
Supervisor
L B. Workshop,
Gulliver & Sons.

INTERVIEWING

A plan for dealing with an employee who has a problem or grievance is set out in Section 1 on page 25. On some occasions the initiative for investigating problems may come from management and this section on interviewing discusses the special approaches which are sometimes required for these. Interviews serve other purposes too, in, for example, assessing the suitability of applicants for employment.

On the face of it an interview seems an easy thing to manage. A simple across-the-table chat is a natural spontaneous activity. But in practice interviewing well takes both care and skill. It calls for careful preparation, sound method and ease in dealing with people that comes from experience.

PERSONAL PROBLEMS

Many problems in the workplace arise from a range of often complex personal difficulties – with psychological, health, legal and domestic origins. They cannot be resolved merely by applying the cut-and-dried procedures of works rules and industrial agreements, designed as they are to deal primarily with the worker as a factor of production. The supervisor needs a separate approach in coping with the specifically human aspects of problems. For these the personal interview offers one way of getting down to the roots of the difficulty. It gives the supervisor time to explore the matter in depth and the employee an opportunity to explain his view of the problem in a sympathetic environment.

IMPORTANCE OF CONFIDENTIALITY

Alcoholism – at the stage where it interferes with work – is one problem which most employees would prefer to have dealt with in an atmosphere of privacy. There are likely to be others. Most workers with aggravated health, domestic, legal or emotional problems which affect their performance at work would be grateful for a supervisor who was prepared to discuss them confidentially. Many workers would not want their trade union representatives, let alone any other workers, even to be told about them. Supervisors need however to make clear, if there should be any question about dis-

ciplinary action arising, that their trade union representative could be drawn into the discussion, if they so wished.

APPLICANTS FOR JOBS

Another important type of interview in which supervisors are likely to find themselves engaged is in considering the suitability of applicants for employment. In these, the supervisors have a responsibility of conveying information about the job requirements and the opportunities it affords. They should make a point of emphasising its positive aspects. The applicant needs to be given an encouraging initial impression. Their other responsibility is to receive information from the applicant about his interests, capacities and suitability. For this the emphasis is on questioning and listening rather than telling.

THE METHOD OF CONDUCTING AN INTERVIEW

The method of conducting an interview has three stages: Stage One involves preparation; Stage Two conducting the interview; Stage Three following up the interview and taking necessary action. (See Diagram 18)

1. PREPARING THE INTERVIEW

i) SUITABLE VENUE

A place should be chosen for the interview in which there is reasonable privacy and quiet. In particular, the interviewer should as far as practicable not allow himself to be interrupted during the interview, either by members of staff or by telephone calls.

ii) A PLAN OF OPERATION

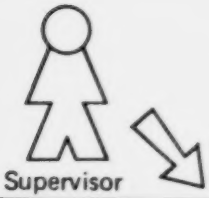
The ground the interview should cover should be carefully planned in advance. The interviewer should decide which topics he has to impart and which he requires information upon, and then make sure that the discussions are directed on to them. He should also make some allowance for flexibility. Some new and relevant aspect may arise which had not been anticipated. A check list can provide a useful guide to the topics to be included. It helps ensure that

every major point is covered and the relevant comments are recorded.

iii) BACKGROUND INFORMATION

The relevant background material about the person to be interviewed – documents, files, reports, pay slips – should be studied beforehand and be available for reference at the interview.

DIAGRAM 18
THE INTERVIEW



Stage 1. Preparation

i) suitable venue

ii) plan of operation based on a check list

iii) background material

Stage 2. Conducting the interview

i) manner

ii) explain purpose

iii) impart advice

iv) put questions

v) control

vi) winding up

Stage 3. Following up the interview

i) written report

ii) keep employee in touch

2. CONDUCTING THE INTERVIEW

i) MANNER

The manner in which the interview is conducted should be friendly, informal, sympathetic and tolerant. The person should be addressed by name and be put at his ease. If the purpose of the interview is to warn the employee about the possible consequences of his behaviour, especial care should be given to making the warning positive and clear, but conveying it in a manner which indicates both concern and goodwill. The purpose must be seen to be, not to knock down, but to pick up.

ii) EXPLAINING THE PURPOSE

At the outset the purpose of the interview and the general outline of how it will be conducted should be indicated. Considerable tact may be necessary if the purpose is to find a solution to a problem arising from health, legal or domestic difficulties.

iii) IMPARTING ADVICE

In some interviews the major purpose is to bring the problem to the attention of the employee and to discuss ways with him of resolving it. It could be a deterioration in work performance, which the supervisor may have first to alert the employee to, especially if he is unaware of its full extent. The supervisor needs to propose ways of overcoming the problem and to persuade the employee to cooperate in putting them into effect. The employee must be made to feel that management is concerned to help him, and the supervisor must be able to demonstrate that he has taken trouble to find a way of giving that help.

iv) HOGGING THE INTERVIEW

Supervisors should be on their guard against monopolising the dialogue. An essential, often the major, element in an interview is to give the person interviewed the chance to put his point of view. This should always be uppermost in the interviewer's priorities.

v) PUTTING QUESTIONS

If the role of the interviewer is to obtain information rather than to impart it, he should concentrate on putting questions, not hold forth himself. Once the interview gets under way, his primary job is to listen and make notes. Care needs to be exercised in the way questions are framed. "Do you ...", "have you ...", "can you ...", "are you ...", tend to get "Yes" and "No" answers. "How ...", "What ...", and "Why ...", encourage people to explain the reasons for their answers.

vi) CONTROLLING THE INTERVIEW

The interviewer may need to enter into the discussion to restimulate the flow of answers if the need arises, or to direct it towards the successive stages of the plan, and to bring the interview to a conclusion. If the matter under discussion relates to a personal problem of the employee, he may have to be patient in getting a response.

vii) WINDING UP

Before the interview comes to an end, the person interviewed should be given the chance to put any questions of his own. If there has been any mutual agreement on how to deal with the problem, this should be re-affirmed. Applicants for jobs should be told when they would hear the results of their application. Finally, they should be thanked for attending.

3. FOLLOWING UP THE INTERVIEW

i) A WRITTEN REPORT

As soon as possible afterwards, a written report should be completed. It should contain a summary of the main points made during the interview and be followed by the interviewer's own assessment. If the interview has been about a personal problem, the report should be kept confidential.

ii) KEEPING THE EMPLOYEE IN TOUCH

The supervisor should ensure that the outcome of the interview is in due course conveyed to the person interviewed, and that any decisions are followed up to check that they have been successfully applied.

CONSULTATION

OPERATING BY CONSENT

Today few issues that could affect conditions of work or prospects of employment, either directly or indirectly, are likely to escape the net of consultation. Both management and labour accept the principle of management by consent. In earlier sections of this manual procedures were demonstrated for bringing workers into consultation over individual grievances and demands for improvements in working conditions. A procedure will be used in this section as the basis for consultation on all topics, whether raised in the first place from the workers' or management's side.

CONSULTATION ON MANAGEMENT INITIATIVE

When workers raise problems with management they are usually about some specific event or circumstance. When the initiative comes from management, it needs to be equally clear-cut. Workers respond best when they have something definite and practical to talk about, when there is a point to the discussion. So supervisors need to make sure that their own proposals for consultation are simple and have a direct practical relevance. This is only possible if they themselves have been given clear directions by their own senior management and know precisely where they and their department are supposed to be going. From this point of view consultation is merely an extension of the principle of management by objectives. The process of putting forward integrated objectives which each individual manager can help shape for his own area of responsibility is taken a stage further, down to the shop-floor workers.

PROPOSALS IN WRITING

The extent of employee-management intercommunication in dealing with workshop problems is demonstrated in Diagram 19 on page 147. It underlines the importance of clear and accurate communications for effective joint consultation. One way to give intercommunication the necessary precision is to express proposals in writing. A written minute which can be circulated enables the workers to be given time to think about the subject in advance. It

DIAGRAM 19

PROCEDURE FOR CONSULTING WORKGROUP

Stage 1	Getting the Facts
Stage 2	Assessing and making a preliminary proposal in written minute or report
Stage 3	Consulting 1. Circulate minute or report of preliminary proposal 2. Discuss with workgroup 3. Receive ideas from workgroup 4. Revise proposal as appropriate 5. If revised, re-draft minute or report
Stage 4	Take action and inform workgroup
Stage 5	Follow – up

can also provide a firm objective and should help keep the discussion to the point.

ENDS AND MEANS

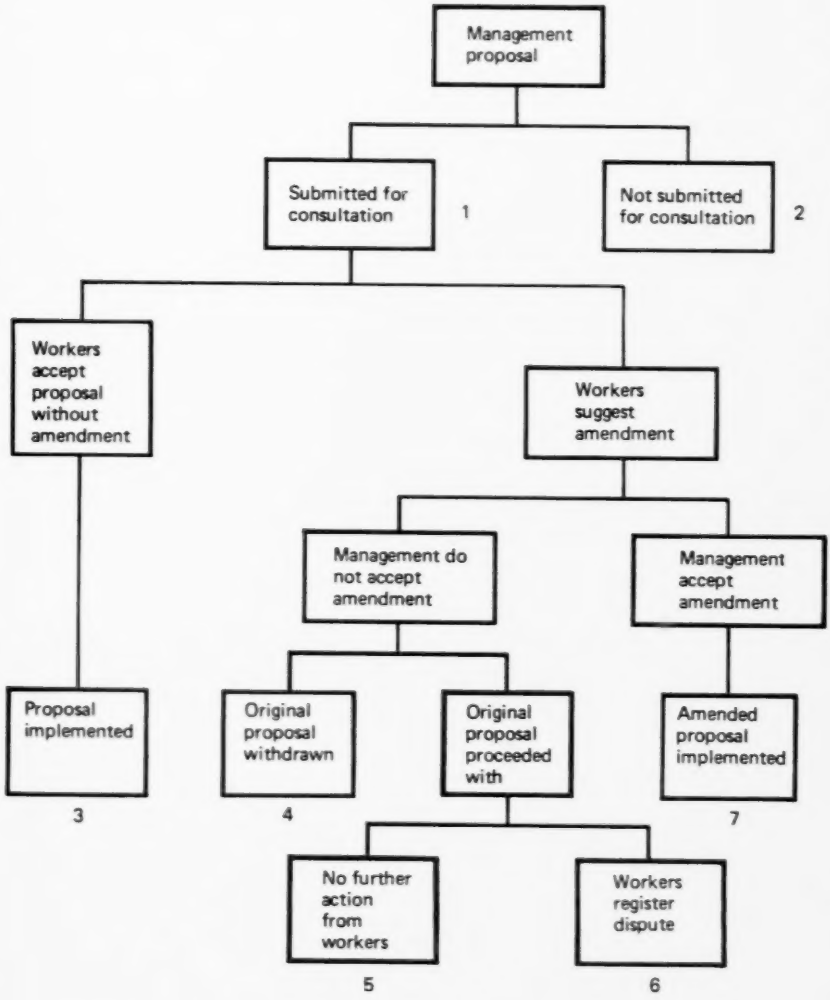
Management policies involve both ends and means. In discussion with the workers both may be challenged. Management's strategic objectives are now considered by the trade unions to be fit subjects for consultation, if only because of their effect on employment. Supervisors could not object to their workgroup wanting to discuss some of the big management decisions, provided they could be shown to be relevant to their own workplace. But employees are in practice much more likely to show a positive interest in the means rather than in the ends of the policy. The members of their workgroup may feel they have little influence in re-shaping the broad policies. They do have more over how these policies are applied on the shop-floor.

THE AUTHORITY TO MAKE DECISIONS

The term consultation was originally used to describe the joint discussion of policies over which management reserved the final right to make decisions.

It was therefore separate and distinct from negotiation, which involved the joint decision of the terms of the contract of labour in which management and labour shared authority as the contracting parties. In modern industrial relations the distinction is no longer so clear-cut. The areas in which management can assert their exclusive authority have tended to shrink. The workers are likely to claim the right to bargain on any management decisions which could affect their earning capacity, the intensity of their labour, the quality of their working environment or their employment prospects, and, of course, there are very few which do not, directly or indirectly, affect one of these. It is therefore much harder to draw a sharp dividing line between the two types of management-worker dialogue.

DIAGRAM 20



CONSULTATION: THE MAIN OPTIONS

A MODEL PROCEDURE

For this reason the procedure set out in Diagram 20 makes provision for both types of relationship and shows some of the main options which are open to the two sides. First, supervisors must decide whether the issue should or should not be discussed with the employees. (Options 1 and 2 on the diagram).

In this model outcomes 3 and 7 represent a positive conclusion to the consultation. An agreed proposal can be put forward, in one case as submitted by management without modification, and in the other, as modified to take advantage of the workers' knowledge and experience. Outcome 5 represents management's assertion of their right to go ahead with the proposal even though they have failed to persuade the workers to endorse it. Though they do not accept the decision, the workers have at least had the chance to make their views known before the decision is taken. Outcome 4 arises when management cannot get agreement from the workers and decide not to push their proposals through without it. Outcome 6 represents a situation in which management have implemented their original proposal in spite of the workers' disagreement and the workers have reacted by registering a dispute.

THE NEED TO MAKE A DECISION

Outcomes 5 and 6 represent occasions when management need to consult the employees but cannot hold up making a decision even though they cannot get agreement. The most clear-cut example arises from hazard elimination under the Health and Safety at Work Act. Management may have to take action to remove the hazard even though they fail to get the employees to agree to any proposals. Another example is when production policies have to be implemented in order to meet contractual commitments regardless of whether they carry joint agreement.

In this kind of situation supervisors may have to insist on going ahead even though they have not succeeded in carrying their workgroup along with them. In the last resort they have to take responsibility for implementing policy. The workers are free to raise the matter through the negotiating machinery. In such a contingency,

the supervisors need, of course, to keep higher management closely informed, preferably before rather than after the event.

A NEW PATTERN

The model described here, representing a mixture of traditional consultation and bargaining relationships, is tending to become the prevailing pattern for many workplaces. It imposes important and sometimes difficult choices on supervisors. They have to decide first which subjects they ought to raise with their employees and which to keep to themselves. Then if they do discuss a subject with them, they have to make a further decision as to whether they intend to take action regardless of whether it carries joint agreement.

As far as they can, supervisors should get higher management to lay down policies giving guidance as to how they should exercise these options. But even when good policies are available, supervisors are likely to find themselves in situations where they have to exercise their own judgement.

DECIDING ON PROCEDURES

Supervisors have therefore two questions to answer in deciding whether and in what way to discuss an issue with the workers. The first is whether to discuss it at all. Broadly, they will not discuss issues

i) Which are routine, are based on agreed systems of work, and which raise no new principles. It would be a waste of time to talk about these.

ii) Nor will they stop to discuss the immediate action required to deal with emergencies – if, for example, a fire breaks out in the department.

iii) They may decide not to bring into the open matters which are by their nature confidential – when, for example, a worker has a health or domestic problem which affects his work but does not want it to become common knowledge.

The second question is whether the subject is one for consultation or negotiation. To decide which, supervisors should first consult any relevant management policies or the terms of any negotiated agreements. In the absence of official guidance supervisors have to rely on their own judgement. The guiding principles are that workers are likely to regard as negotiable:

> any issues which might affect their earning capacity, the intensity of work, the quality of the working environment or their employment prospects.

Matters which are subjects for consultation are:

> management actions which do not have any effect on the workers' terms and conditions of employment, or employment prospects, as listed above, but which are relevant to their wider interests.

The broad principles are clear enough; the problem in practice is to decide whether a particular workplace issue does or does not fall within them.

GIVING INSTRUCTIONS

MANAGEMENT PREROGATIVES

The previous advice on consultation has directed attention to the situations in which management has the right and duty to give instructions and to expect them to be carried out without argument. Most of these arise when management is applying controls to agreed systems of work, and dealing with normal expected contingencies, like stopping the line to repair or retool a machine. They may have to take similar action in emergencies when there is no time for any unnecessary talk, or where there is a breach of the law. There are ways of announcing these instructions which make it more likely that they will be carried out with understanding and goodwill.

KEEPING INSTRUCTIONS TO THE MINIMUM

Such instructions should be as few as possible. One of the objects of planning and organisation is to get a rhythm of production so that outside controls can be reduced to a minimum. No one likes unexpected checks and changes. Some adjustments are, of course, inevitable. Changes in demand require variations in the production pattern; emergencies arise in the best-conducted businesses. But as far as possible changes in requirements should be anticipated so that they can be built into the original plan and involve as little disturbance as possible.

EXPLAINING THE PURPOSE OF THE CHANGE

When a change has to be made the reasons for it should be explained simply and clearly.

This fulfils two purposes. First, it tells the workers what is the object of the change and should help them adjust intelligently to the new targets. Secondly, it should satisfy them that the new instructions are legitimate and arise from the exercise of necessary controls upon an agreed system of work. Once they appreciate this, they are less likely to question the motives or suspect that some change in their agreed working systems is being introduced without consultation.

EMERGENCIES

Nobody likes being hustled. Advance warning should, whenever possible, be given of changes. But some emergencies cannot be anticipated. It is important that workers are told that there is an emergency so that they can appreciate the need for immediate action.

THE STRUCTURE OF AN INSTRUCTION

The instruction must include:

Who	–	has to take the action
What	–	action has to be taken
How	–	the action must be taken (if new methods are involved)
When	–	time and date
Where	–	place from and to, if movement is involved;

and in all cases, except in extreme emergency, when time cannot be spared:

Why	–	the action is necessary and what purpose it is intended to fulfil.

CHECKING THAT THE INSTRUCTION HAS BEEN UNDERSTOOD

Supervisors can check that the instruction has been understood by a quick question or two to the worker who should be given the opportunity to ask questions back if he is in any doubt. They should bear in mind that people are different. What may be immediately clear to one person may need further explanation to another. Experience and aptitudes vary widely.

THE QUALITIES OF AN EFFECTIVE INSTRUCTION

Instructions have to be clearly understood and accepted. They have therefore to be direct, precise, clear and carry authority. Each of these qualities is here looked at in turn.

Direct — The person being given the instruction should be addressed by name. If the instruction is directed to a group, it should be to "all members of 'C' Department", not just "you".

Precise — Only the essential requirements for getting the action carried out should be mentioned. Specific times and places should be given. The shorter the instruction, the less chance of confusion.

Clear — Vague words like "management" or "union" when specific persons are intended should not be used. Ambiguous terms like "pack it up" and "cut it out" may be misinterpreted. These too should be avoided.

Carry authority —

Instructions should be presented courteously, but they must carry authority. This can be achieved partly by the tone of voice in which they are delivered, and partly by an explanation of the reason why the instruction is needed. For example — "There has been a breakdown in "C" Department and our supplies are not coming through" or "Three members of your replacement shift have notified us that their car has broken down and they will be late", should be sufficient to explain at the receiving end that the instruction represented a legitimate exercise of management control.

NEED FOR SYSTEMATIC TREATMENT

Decisions calling for action from the workforce, whether taken after long deliberation or on the instant, need to follow a systematic pattern. They must be based on a preliminary appraisal of the situation. Out of this appraisal a decision needs to be made and upon this a relevant set of instructions drawn up. These instructions

should be delivered in the form and in the manner described above. Supervisors must check that they have been understood. After an appropriate interval they must be followed up to ensure that they have been fully implemented. The sequence is: appraisal, decision, instructions, check for understanding, and follow-up. It has a close relationship to the five-stage pattern for dealing with workplace problems shown on page 23 of this manual.

CHECK LIST

SECTION 4.

COMMUNICATIONS

1. Keep higher management informed about:

    i) Progress in achieving management's policies
    ii) Any new developments which could affect the progress of management policies

2. Ask for advice – when cannot find out the answers on own.

3. Refer upwards:

    i) When decision outside supervisor's authority
    ii) When decision may have wider repercussions
    iii) If supervisor considers service to him is unsatisfactory.

4. Good downward communications to the supervisor often depend upon good upward communication to higher management.

5. Spoken communications should be clear, simply expressed, accurate and, as far as practicable, brief. They should also be delivered in a firm but friendly tone.

6 Speakers must ensure that they take account of their audience's interests and susceptibilities. Only then are they likely to listen responsively.

7. Written communications have the advantage of permanence and of greater precision and certainty.

8. Written minutes and reports should be based on prepared forms as on pages 129 and 131.

9. Official letters should conform to a prescribed lay-out as on page 135. There is no need to make them sound formal and

Check List cont.....

impersonal, especially if they are written to someone known personally to the supervisor. Carbon copies must, however, in all cases be kept.

INTERVIEWING

1. PREPARATION

i) A suitable venue
ii) Plan of operation, based on a prepared check list.
iii) Relevant background material on the person to be interviewed should be available for reference.

2. CONDUCTING THE INTERVIEW

i) Friendly, informal, sympathetic and tolerant manner.
ii) Impart any appropriate advice, but do not hog the interview
iii) Explain the purpose of the interview
iv) Put questions which require full explanations, not just 'yes' and 'no' answers
v) Control the interview to keep to the plan on the check list
vi) Give the person interviewed the chance to put his own questions
vii) Round the interview off, explaining any further developments.

3. FOLLOWING UP THE INTERVIEW

i) Draft a written report, containing the points made in the interview and an assessment.
ii) Keep the employee in touch with any developments and follow up to ensure that any decisions have been implemented.

Check List cont.....

CONSULTATION

A METHOD OF APPROACH FOR CONSULTATION OVER MANAGEMENT DECISIONS

1. Is the matter one for discussion with the workgroup or not?

2. Decisions not normally discussed in advance with the workgroup are:

   i) Routine controls based on agreed systems of work
   ii) Emergencies in which action has to be taken immediately
   iii) Confidential personal problems of employees

3. If it is a matter for discussion with the workgroup, is it a negotiable issue or not?

4. Matters which are normally negotiable with the workgroup:

   any which affect
   i) Earning capacity
   ii) Intensity of work
   iii) Quality of working environment
   iv) Employment prospects

5. Matters on which there may be consultation rather than negotiation:

   those which do not affect the workers as in 4 above, but which have a bearing on their wider interests.

6. Consultation is given point and purpose when based on the circulation of a clearly written minute, setting out the issue.

Check List cont.....

GIVING INSTRUCTIONS

1. Circumstances under which supervisors need to give instructions:

   i) Exercising normal controls over agreed systems of work
   ii) In emergencies when action must be immediate.
   iii) When there is a breach of the law.

2. Such instructions should be reduced to as few as possible by good planning, but some are inevitable and necessary.

3. Structure of an instruction:

   Who has to take action
   What action has to be taken
   How the action must be taken (if new methods are involved)
   When – time and date
   Where – place from and to, if movement is involved;

   and, except in extreme emergency,

   Why the action is necessary, and what purpose it has to fulfil.

4. The instruction should be direct;
   precise;
   clear; and
   carry authority.

5. The instruction should carry authority partly by the manner in which it is delivered, and partly by the explanation of its purpose as in 3 above.

6. Check that the instruction has been understood by simple questions.

7. Follow up to see that the instruction has been implemented.

EXERCISES

SECTION 4

1. Draw up a list of communications of all kinds which come to members of your workgroup from higher management without passing through your own hands first. What can you do to safeguard your authority as the direct representative of management in this situation?

2. What facilities have you for upward communications with higher management? Give examples of how these work and suggest any improvements you think might be made.

3. How much do you as a supervisor depend upon written communications for doing your job? Give examples from your own recent experience and indicate methods which might be used to improve their effectiveness.

4. Make out the framework of a report with main headings, sideheadings and notes indicating the major supporting facts and argument, based on the example in the manual on page 131, for a report to higher management recommending the need for joint supervisor/shop steward courses to improve the quality of industrial relations in the plant.

5. Write an official letter to the works manager explaining that you are in a remote hospital as a result of a road accident and will be away from work for several weeks. Add any other information you feel would be relevant.

6. With due regard for confidentiality describe any interview you have conducted with a member of your workgroup to investigate a personal problem. Analyse the method you used to conduct the interview, what information you attempted to obtain, what to impart, and any final advice you gave. Then discuss whether or not the method was effective and what its outcome was.

Exercises cont.....

7. What conditions determine whether a supervisor should discuss an issue with his workgroup, and whether it is negotiable, or one simply for consultation, keeping the ultimate decision in management's hands? Discuss some of the difficulties which arise in practice in deciding which of these categories is the appropriate one.

8 Describe some of the circumstances in which as supervisor you have to give instructions to your workgroup which you expect to be acted upon without discussion.

Analyse the importance you attach to:

a) explaining the reasons for the instruction
b) clear and precise instructions
c) a manner that carries conviction.

9. What effect has the development of collective action by workers had upon the way you carry out your duties as supervisor? What extra demands are made upon you in consequence, and how can they be most effectively met?

10. What are the advantages of a written minute as the basis for starting and concluding a consultation session? Draft an example of a written minute on a current development for discussion with your workgroup. The examples of the group of supervisors as a whole should then be evaluated for their clarity and effectiveness in getting a relevant discussion with a practical outcome.

11. You have noticed that one of your employees has been drinking increasingly heavily over the previous three months, and you are becoming worried about his ability to work safely, particularly after the lunch interval. He has given no solid evidence that his working efficiency is impaired, but his speech often sounds slurred. He is a forklift truck driver and could be a danger to other employees, if his judgement were seriously affected. He has been employed with the firm for 24 years and has a good record.

Exercises cont.....

Role-play an interview with the employee to discuss his personal problem, with supervisors taking alternately the role of the supervisor and employee. Then discuss the legal and practical validity of the decisions the supervisors come to.

Role-players should assume that there is no relevant information available other than that provided in the brief. They should not invent imaginary circumstances which would materially affect the case.

12. What responsibilities fall upon higher management to ensure that supervisors are properly equipped to consult their workgroup on changes in the pattern of work? Select an example when you have been involved as supervisor in explaining such an impending change to your workgroup, and describe the help you received from higher management in putting it over.

CONCLUSION

THE QUALITIES OF EFFECTIVE SUPERVISION

THE NECESSARY PRE-CONDITION

Given the analysis on page 151 of what executive action a supervisor is entitled to take, it should now be possible to assemble the factors of effective decision-making. Three preliminary conditions seem to be required: clear and realistic objectives; a firm and accepted basis of authority; and, finally, that the decisions themselves are relevant and practicable.

CLEAR AND REALISTIC OBJECTIVES

Nobody can lead if they do not know where they are going. Supervisors need to have clear and realistic objectives before they can effectively direct the activities of their workgroup. So effective leadership depends in the first place on higher management spelling out the departmental tasks with sufficient point and clarity for the supervisors to be able to organise their own department with confidence and purpose. Management have by law to provide a written policy statement on health and safety. This should establish precedents which management could follow over all other fields of policy. It is not enough, of course, to produce written policy statements, even good ones: they have to be relevant, realistic, and be taken seriously.

A FIRM AND ACCEPTED BASIS OF AUTHORITY

– IN RELATION TO ORGANISED LABOUR

The greater awareness of both sides of industry about the practical limits of their authority now makes it possible for supervisors to be given terms of reference which accord more closely to the actual situation. The assertion of total management autonomy over the organisation and control of work processes has been relaxed. In consequence, it should be possible to draw clearly defined boundaries between what falls within the legitimate sphere of executive management and what are the negotiable issues.

In particular, on issues like the application of discipline, the maintenance of standards of health and safety and on the exercise of trade union rights in the workplace, supervisors should now have more precise guidelines than always existed in the past. In this respect their position has been strengthened by the more exact delineation of roles and responsibilities resulting from the Codes of Practice issued by ACAS and the Health and Safety Commission. The development of local productivity bargains between employers and trade unions should also have signposted the supervisors' way forward on a whole range of customary workplace practices which were previously unregulated.

– IN RELATION TO HIGHER MANAGEMENT

The limits of their authority in relation to organised labour are not, of course, the only boundaries within which supervisors have to work. No less important is their authority in relation to their own higher management. They need to know when they are free to act on their own initiative, and when they have to refer decisions upwards for prior approval.

Higher management have the first responsibility for designing a framework of authority and coherent policies, which leave the supervisor with clear directives and reasonable room for manoeuvre in carrying them out. Management policies and procedures do not invariably provide answers for every problem. Where there is any doubt, supervisors should apply a common-sense test. If one of their decisions is likely to have repercussions in other departments, either directly or by creating a precedent, they should seek prior approval for it from higher management.

THE HUMAN QUALITIES REQUIRED

Making decisions, conveying them effectively and getting them accepted demand understanding, skill and qualities of character. It should be easier today, thanks to the more formal regulation of workplace relations, for supervisors to take action with reasonable confidence that their decisions are firmly based. But the decisions themselves have to satisfy two purposes: they must fulfil management's production tasks and at the same time maintain the morale

and commitment of the workgroup, both individually and collectively.

Exercising direct management authority is not always easy. It requires moral courage and the ability to take the long view when decisions are likely to be immediately unpopular. For the many issues which involve joint discussion and agreement with the organised workers, different qualities are necessary. These are not just a matter of issuing instructions; they call for the exercise of persuasion, that combination of confidence, tact and sensitiveness which is necessary for doing business with the trade unions.

Finally, supervisors have to create a climate in the workshop which encourages the interest and involvement of the individual worker. To do this well, as this manual emphasised in Section 1 on page 14, they need to be capable planners and organisers and technically competent managers as well as good psychologists.

Current thinking on leadership emphasises the importance of its being appropriate to the situation. The situation in British industry reflects an important shift in the relationship between management and organised labour. This alteration in the balance of authority has already affected the accepted criteria of what the functions of a manager should be. These have to take account of the fact that in modern industry, obedience from employees cannot be simply compelled. People now operate by consent. To the three functions, planning, organisation and control, has been added a fourth: motivation.

A CHANGE IN MANAGEMENT STYLE

But the change in the situation does not require merely an extension of management functions. Taking account of the corporate dimension necessitates a change in style. All these four functions, planning, organisation, motivation and control, have to be exercised in the essentially tactical context of a bargaining situation. The supervisor, along with every other grade of management, has to include another function of a different order. He has now to plan, organise, motivate and control and do them all in a bargaining context.

APPENDIX 1

WELFARE LEGISLATION

This appendix lists the welfare requirements laid down in the Factories Act, 1961, the Offices, Shops and Railway Premises Act, 1963, and some Regulations relating to the place of work. In each case, the legal reference is given, the legal requirements are summarised, and sources of further information or advice are indicated. The appendix is set out in three sections, covering sanitation, safety and amenities. There are many other specific legal requirements for particular occupations and trades not included in the list.

Abbreviations:

DE	–	Department of Employment
FA	–	Factories Act, 1961
OSRP	–	Offices, Shops and Railway Premises Act, 1963
Regs.	–	Regulations
HSWB	–	Health and Safety at Work booklet, prepared by the Health and Safety Executive
S	–	Section (of an Act of Parliament)

Reference	Legislation	Legal Requirements	Source of further information
SANITATION			
Cleanliness	FA S.1 OSRP S.4	Premises kept clean; accumulations dirt and refuse removed daily.	HSWB 35
	Factories (Cleanliness of ceilings) Order 1960	Inside walls and ceilings cleaned every 14 months. White-washed every 14 mths or painted every 7 years.	

Reference	Legislation	Legal Requirements	Source
Lavatories	FA S.7 OSRP S.9 Sanitary Conveniences Regs.1964	Sufficient and suitable conveniences; clean and properly maintained; effective lighting and ventilation; conveniently accessible. Water closets where reasonably practicable; where not , chemical closets. Separate accommodation for each sex; schedule of closets (and urinals) per worker laid down.	HSWB 5, 16
Washing facilities	FA S.58 OSRP S.10 Regs. lay down washing facilities and ratio of wash basins per no.of workers.	Adequate and suitable washing facilities; clean running hot and cold or warm water; soap and clean towels or other suitable means of drying, accessible and kept in clean and orderly condition.	HSWB 5, 16
SAFETY			
Access & place of work	FA S.29	Must be safe means of access and safe place of work	HSWB 16, 35
Floors, passages, steps & stairs etc.	FA S.28 OSRP S.16	Must be soundly constructed and well maintained	HSWB 16, 35

Reference	Legislation	Legal Requirements	Source
Fire – Certificate Means of escape	FA S.40-53 OSRP S. 41 Regs.	Workplaces (over certain size or where there are highly inflammable materials) must have certificate from fire authority that means of escape are up to standard. Means of escape must be properly maintained and free from obstruction.	HSWB 10, 32, 40
– Fire Alarm		Effective fire alarms maintained; tested every 3 mths; & reported in register	
– Free passages		Workers must have free passageways to means of escape; and be familiar with means	HWSB 10, 32, 40
– Fire Drill		of escape and routine to be followed in case of fire.	Fire drills in factories SHW 1441 DE
– Fire fighting		Fire fighting equipment properly maintained; inside hoistways and liftways completely enclosed with fire-resisting materials; means of access to them fitted with fire-resisting doors; top, if unvented, enclosed by material easily broken in case of fire.	HSWB 10, 32, 40
–Doors		Doors must be easily opened from inside (Where over 10 employed) doors onto corridors or staircases must open outwards unless sliding doors	"
–Exits		Fire exits conspicuously marked	"

Reference	Legislation	Legal Requirements	Source
Fire cont.. —Highly flammable liquids		Minister has power to make special safety regs. Have been made for highly inflammable liquids and liquified petroleum gases.	Use of flammable liquids in factories. Form 1447 DE
First Aid	FA S.61 OSRP S. 24 - 26	First aid boxes, or cupboards of prescribed standard, containing only first aid requisites. One extra for each 150 employees. Each with responsible person in charge; if more than 50 in factory, 150 in shops, offices, etc., he or she must have qualified in first aid training; must be readily available during working hours; a notice posted, giving name.	HSWB 36, 48
Ladders	FA S.28	All ladders soundly constructed and properly maintained	HSWB 16
Machinery			
—Fencing	FA S. 12—16. OSRP S.17	Every accessible part of transmission machinery, every dangerous part of other machinery, moving parts must be securely fenced or guarded. All fencing of substantial construction, efficiently maintained, and kept in position.	HSWB 3, 4 9, 11, 12, 14,19, 20, 26, 28, 33, 41,42, 43, 49.
—Emergency stops	FA S.17 OSRP S.17	Devices for promptly cutting off power from transmission machinery provided in every place of work where used.	"

Reference	Legislation	Legal Requirements	Source
—Guards	FA S.17 OSRP S.17	New power-driven machines not sold, hired or used unless effectively guarded.	"
—Mechanical processes	FA S.19	Space must be allowed round moving parts of self-acting machinery.	HSWB 16
AMENITIES			
Clothing accommodation	FA S.59 OSRP S.12	Adequate and suitable accommodation for clothing not worn during working hours, with arrangements for drying clothing.	HSWB 5, 16
Drinking water	FA S.57 OSRP S.11	Adequate supply wholesome drinking water, with upward jet, or suitable drinking vessels, with facilities for rinsing them.	HSWB 5, 16
Eating facilities —Shops	OSRP S.15	When shop-workers eat meals on premises, suitable and sufficient facilities must be provided.	
—In dangerous trades	FA S.64 Regs. for various industries	No food or drink, or remaining during meal times where poisonous substances give rise to dust or fumes, including siliceous or asbestos dust. Suitable provision for meals elsewhere.	

Reference	Legislation	Legal Requirements	Source
Lighting	FA S.5 OSRP S.8	Sufficient and suitable lighting, natural or artificial, where persons are working or passing Windows and skylights kept clear and clean. Minimum illumination for assembly work 6 lumens per sq.ft.	HSWB 39 Illuminating Engineering Society's Code for Interior Lighting 1973 recommends 40 lumens per sq.ft.
Noise	Code of Practice reducing exposure of employed persons to noise	Lays down that any exposure to sound level over 90 decibels should be avoided, unless efficient hearing protection worn, and sets up schedule of maximum hours allowed to work in varying sound levels.	HSWB 25
Overcrowding	FA S.2 OSRP S.5 Regs. for special trades	At least 400 cubic feet space for each person employed up to 14 feet from the floor. OSRP - 40 sq.ft of floor per person.	HSWB 16
	FA S.19	Space round moving machinery	

Reference	Legislation	Legal Requirements	Source
Seating	FA S.60 OSRP S.13, 14	Where reasonable opportunities for sitting without detriment to work, suitable facilities to be provided. When a substantial proportion of work can be done sitting, detailed requirements about seats and seating arrangements. Shops, etc., in places where there are customers, not less than one seat for every three employees.	HSWB 45
Temperature	FA S.3 OSRP S.6	Reasonable temperature maintained in each workroom by non-injurious methods. When substantial proportion of work sitting and no serious physical effort, not less than 60°F after first hour; one thermometer in suitable position. OSRP – 60.8°F minimum.	HSWB 16
Underground Rooms	FA S.69, 70	Notice must be given to inspector before any underground room can be used as workroom. Otherwise such rooms can only be used for storage or other permitted purpose.	"
Ventilation	FA S.4, 63 OSRP S.7 Special Regs. for certain industries	Adequate ventilation of workroom with fresh air. All practical measures against inhalation of dust.	HSWP 16 Institute of Heating and Ventilation Engineers lay down standards

APPENDIX 2

THE JUDICIAL STRUCTURE IN BRITAIN

THREE SEPARATE JUDICIAL PROCEDURES

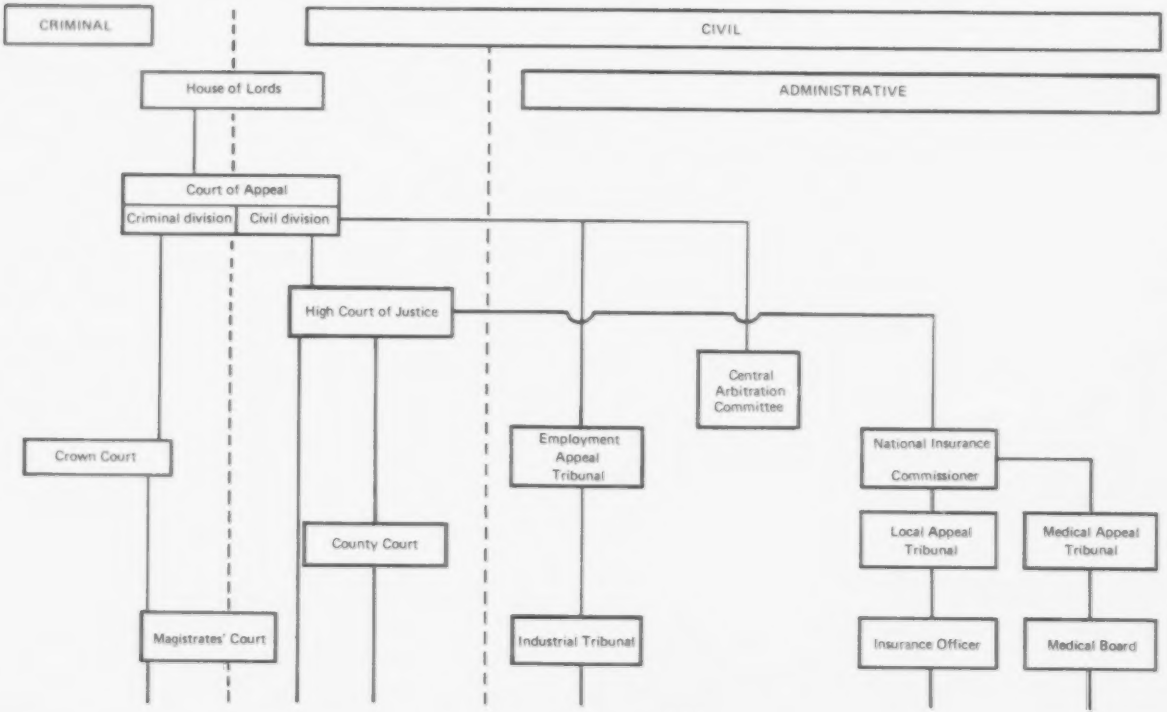
One of the problems of coping with possible legal issues arising from employment law is the variety of judicial procedures involved. Cases dealing with employment and welfare rights fall into three main divisions of the law: criminal, civil and administrative. In recent years this third division has been brought within the larger category of civil law. But its courts and procedures are, for the most part, separate and different so that it in effect forms a set of systems of its own. (See Diagram 21)

The differences between criminal, civil and adminstrative law very broadly are as follows:

Criminal Law is concerned with offences against the State. These are actions which are regarded under the law as threats to the community as a whole. Violence and theft are two obvious examples. The law is enforced in criminal courts.

Civil Law deals with the infringements of people's rights and duties towards each other, either individually or collectively. These rights and duties arise from contracts, the ownership of property, inheritance, family commitments and obligations, and personal behaviour which affects other people. An action committed by one person or group of persons which causes harm to another is called, in the jargon of the lawyers, a tort. The decision as to whether a tort has been committed is determined in the civil courts.

DIAGRAM 21 BRITISH JUDICIAL SYSTEM (simplified)



Administrative Law is a relatively recent development of law, particularly associated with the growth of the Welfare State. Disputes between people and departments of government over their employment and social rights are dealt with in special administrative tribunals with their own constitutions and procedures. These have been set up under the Acts of Parliament providing the various services – some for disputed rent assessments, national insurance benefits, employment rights and so on. Since 1971, these have been brought within the overall jurisdiction of the Civil Law. Final appeals on points of law may now be referred to the Civil Appeal Courts.

There are distinct judicial systems servicing these three divisions of the law. Each has its own courts and procedures. Broadly, the structure of tribunals and courts which adjudicate in employment law is as follows:

Criminal Cases

In England and Wales criminal cases are dealt with in Magistrates' Courts, with more serious offences being sent to the Crown Courts. (In Scotland the Sheriff's Courts deal with the less serious cases, and the High Court of Justiciary the more serious).

The judicial system in Northern Ireland has many similarities to the English system and the House of Lords is the final court of appeal. But employment laws are in many respects different in Northern Ireland and based on their own legislation. Moreover, though they have Magistrates' Courts and County Courts, they have a different range of functions from their counterparts in England and Wales.

One of the most likely Acts of Parliament under which supervisors could find themselves in a criminal court is the 1974 Health and Safety at Work Act. Under Sections 2 – 5, employers have been given a range of responsibilities for the health and safety at work of their employees and any members of the public who may be affected. Under Section 36, managers, and these include supervisors, may be held responsible for the legal obligations of their employer.

Employees on their side have responsibilities for safe working

under Sections 7 and 8. Supervisors might find themselves prosecuted in either capacity – as employees themselves or as representatives of their employer. The Factory Inspectorate alone brings forward some 2,000 prosecutions a year under this Act.

The Health and Safety at Work Act is not the only Act of Parliament which makes provision for criminal sanctions for activities undertaken at work. Supervisors involved in any of the duties imposed by the Road Traffic or the Transport Acts, for example, may find themselves in a similar situation.

Civil Cases.

Civil Cases are dealt with in an overlapping but separate structure of courts. In England and Wales most civil cases go to the County Courts and the more serious ones to the High Court, though domestic and some other cases may be dealt with in Magistrates' Courts. The structure of civil courts is different for Scotland. The two main courts are the Sheriff's Courts at local level, and the Court of Session which is the supreme court for the whole of Scotland.

The maintenance of health and safety at work is also one of the main activities which could bring the employer into the courts under civil law. Employees make literally thousands of civil law claims every year for damages from their employers arising from accidents they have suffered at work. The civil law courts may also be used to enforce one aspect of race discrimination. The Commission for Racial Equality may seek an injunction or order from the civil courts to prevent persistent racial discrimination in employment as well as in other fields under the 1976 Race Relations Act. To the civil courts too go claims from either employer or employee for damages for breach of contract, if either side, for example, stops work without giving the proper notice.

Before 1939 employers frequently exercised this right against workers in Britain. But since then, although the right still exists, it has rarely been made use of.

Finally, some 2.7 million workers have the right to use civil courts to protect their entitlement to statutory minimum wages in those

industries and trades, including retail distribution and agriculture, which are included in the legislation. Wages inspectors are employed by Departments of State to deal with individual claims, but appeals against their decisions would have to proceed by way of the civil courts. Though this right exists it is in practice never made use of.

Cases under administrative law

Most of the claims for employee rights as against the employer under the employment laws are dealt with first by conciliation by ACAS and then, if this fails, at an Industrial Tribunal. The parties applying to an Industrial Tribunal are called applicants, and those whom they are claiming from are called respondents.

Procedures within administrative law are intended to be less formal than in the traditional courts of justice; professional advocates play less of a part in them. Employers' and trade union nominees serve on the adjudicating bodies; and applicants and claimants are encouraged to refer to their own trade unions for representation. Access to these adjudicating bodies is free, though in exceptional cases costs may be awarded.

The Industrial Tribunal deals with a wide range of claims for workers' legal entitlements under the Consolidated Employment Protection Act of 1978, prominent among which are claims for unfair dismissal and disputed redundancy entitlements, as well as complaints about sex or race discrimination and individual workers' claims for equal pay covered by other Acts of Parliament.

Claims for welfare payments from the State for sickness, accident, unemployment and pensions have their own distinct judicial systems. Most claims are dealt with by an insurance officer and appeals go to Local Appeal Tribunals. Appeals against disablement assessments go to Medical Appeal Tribunals. (See Diagram 21)

APPENDIX 3

LIST OF OFFICIAL GUIDES TO EMPLOYMENT LAW

(In alphabetical order)

The name of the Government Department or Agency issuing the booklets is given in brackets after the title. All Employment Protection Act booklets (EP) are issued by the Department of Employment, so the abbreviation (DE) is not repeated throughout. The abbreviations used are as follows:-

ACAS	–	Advisory, Conciliation and Arbitration Service
DE	–	Department of Employment
DHSS	–	Department of Health and Social Security
EO	–	Employment Office (or Job Centre or Unemployment Benefit Office)
EOC	–	Equal Opportunities Commission
ESA	–	Employment Service Agency
HMSO	–	Her Majesty's Stationery Office
HO	–	Home Office
HSC	–	Health and Safety Commission
HSEO	–	Health and Safety Executive Office

Areas Covered by Legislation	Booklets	Where obtained
Codes of Practice		
1. Disciplinary Practice and Procedures in Employment	Code of Practice No. 1. ACAS	HMSO
2. Disclosure of Information to trade unions for collective bargaining purposes.	Code of Practice No. 2. ACAS	HMSO
3. Time Off for trade union duties and activities	Code of Practice No. 3. ACAS	HMSO

Area	Booklets	Where obtained
Criminal Offenders – Rehabilitation		
– Employer cannot refuse to employ or dismiss someone because of 'spent' conviction	Guide to the Rehabilitation of Offenders Act (1974) (HO)	HMSO
Disabled Workers		
– Employment Registration		
– Designated employment in certain occupations reserved for disabled	DPL. 1. The Disabled Persons Register	EO
– Employers of not less than 20 employees. To employ a quota from register of disabled	DPL 2. Disabled Persons (Employment) Acts 1944 & 1958. Employers Obligations (ESA)	EO
Disciplinary Practice and Procedures – See Code of Practice		
Dismissal		
– Fair and other legitimate reasons	EP dismissals - Employees' rights and	EO
– Incapacity to do job through Incompetence, ill-health, lack of qualifications, legal liability	EP13 Unfairly dismissed for all subdivisions of this section	

Area	Booklets	Where Obtainable
Dismissal (Fair and other legitimate reasons) contd.	EP dismissals – Employees' rights and EP 13 Unfairly Dismissed?	EO
– Misconduct must be shown to be serious	for all subdivisions of this section	EO
– Union Membership Agreement if not a member or refusal to remain a member of a specified union having a union membership agreement, unless actuated by genuine conscientious objection.		
– Industrial Action provided the dismissal applies equally to all employees concerned.		
– Redundancy provided it is applied equally or according to customary or agreed procedures		
– Temporary employees taken on as replacements for employees suspended on medical grounds or for women absent during pregnancy		
– Other substantial reasons – these could relate to serious defects in an employee's attitude, personal habits or personality.		
– Less than 52 weeks continuous employment (with some exceptions)	Unfair dismissal (Variation of Qualifying Period) Order 1979	EO

Area	Booklets	Where Obtained
Dismissals (Fair) cont....		
– Less than 16 hours employment per week or less than 8 hrs if over 5 years service (with some exceptions)	An outline Employment Act 1980	EO
– Employed for not more than two years in an undertaking with not more than 20 employees		EO
Dismissals – Unfair		
– Race or Colour	Guide to the Race Relations Act 1976 (HO)	HMSO
– Registered disabled worker – without reasonable cause	DPL 2. Disabled Persons (Employment) Acts 1944 and 1958. Employers' Obligations (E.S.A.)	
– Sex	Guide to the Sex Discrimination Act 1975 (HO)	EO
– 'Spent' Convictions no grounds for dismissal – Nor failure to reveal it	Guide to the Rehabilitation of Offenders Act 1974 (HO)	EO
– Redundancy unfair selection for – Trade Union membership or activities	EP Dismissals Employees' rights & and EP 13 Unfairly Dismissed for all sub-divisions of this section	EO

Area	Booklets	Where Obtained
Dismissal (Unfair) cont....		
—Pregnancy		
—Misconduct not sufficient for dismissal		
—Defects of incapacity, ill-health etc., which it was not reasonable for the employer to treat as sufficient cause for dismissal.		
—Industrial Action if dismissal selective		
—Written notice of reasons for		
Employment Act 1980	An outline - Employment Act 1980.	EO
Health, Safety and Welfare at Work		
— Obligation on management for care at work for employees and any others involved; competent supervision in health and safety aspects; sufficient information and training for employees in health & safety; and consultation with employees	Health and Safety at Work Act 1974 and Bi-monthly HSC Newsletter	HMSO HSC
	HSC leaflets	HMSO HSC
—Written policy statement		
—Obligations on employees for safe working in relation to oneself, others and in the use of equipment, and co-operation with the employer in his statutory obligations	Safety Representatives and Safety Committees (HSC)	HMSO

Area	Booklets	Where Obtained
Individual Rights under the Laws	Individual rights of employees (DE)	EO
Industrial Tribunals		
– Procedure for those concerned in industrial tribunal proceedings	ITL 1 (DE)	DE
Information – Disclosure of for bargaining – See Codes of Practice		
Injury at Work – Civil Claims		
– Damages at Common Law if negligence of the employer or fellow employee can be proved, or if breach of statutory duty of employer or fellow employee can be proved.	No official material published	
Job Release – early voluntary retirement		
– Allowances for voluntary retirement at age 64 for men and 59 for women if their places filled by employees from unemployed register.	PL 608 Job release scheme	EO
Maternity Rights		
– Rights for the expectant mother	EP 4	EO
– Pay – Limited amount	"	EO
– Security of employment after confinement	"	EO

Area	Booklets	Where Obtained
National Insurance Entitlements	Leaflets	
– Guidance for married women	NI 1 (DHSS)	DHSS
– Prescribed Industrial diseases entitling workers to State injury benefit	NI 2	DHSS
– Injury Benefit – for accidents at work	NI 5	DHSS
– Disablement Benefit	NI 6	DHSS
– Sickness Benefit	NI 16	DHSS
– Benefits paid for occupational deafness	NI 207	DHSS
– Maternity Benefit	NI 17A	DHSS
– Contributions – from employees	NI 40	DHSS
Part–time Workers		
– Conditions to qualify for legal employment rights	EP 11	EO
Pay – Itemised – see Wages and conditions		
Pensions		
– Details of new State Pension Scheme	NP 34 A more secure future	DHSS
– How it affects women workers	NP 31 A better deal for women	DHSS

Area	Booklets	Where Obtained
Pensions contd...	EP 3	EO
– Safeguard of occupational scheme, contributions (if employer insolvent)	NI 15	DHSS
– Retirement Pension		
– Rights on Changing Jobs	OPB 1 Pension Rights on Changing your Job (Occ. Pension Board)	Occ. Pension Board
Pregnancy – See Maternity Rights		
Public Duties		
– Reasonable time off for certain public duties	EP 12	EO
Racial Discrimination		
– Direct Discrimination illegal– treatment of one employee or applicant for employment less favourably than others on grounds of race or colour.	Racial Discrimination: A Guide to the Race Relations Act 1976 (HO)	EO
– Indirect Discrimination illegal – applying general requirements on employees or applicants for employment which have a discriminatory effect on those of certain races or colour.	"	EO

Area	Booklets	Where Obtained
Redundancy		
– Advance notice of, if more than 10 employees involved.	The Redundancy Payments Scheme (DE)	EO
– Age Requirements	"	EO
– Claimants	"	EO
– Conditions of:		
– When the business ceases to be carried on either altogether or at the place the employee was contracted to work	EP 2	EO
– Requirements to carry out work of a particular kind cease or diminish either altogether or at the place the employee was contracted to work	EP 2	EO
– Consistent short-time working.		
– Excluded categories	The Redundancy Payments Scheme (DE)	EO
– Hours requirements	"	EO
– Payments on a prescribed scale	"	EO
– Time off to look for other work or training	and EP 6	EO
– Written statement of reasons for	"	EO

Area	Booklets	Where Obtained
Rehabilitation of offenders – see Criminal offenders		
Retirement early – see Job Release		
Safety – see Health, Safety and Welfare		
Sex Discrimination		
– Equal terms and conditions	Guide to the Equal Pay Act 1970 (DE)	EO
– Equal pay for like work (Same or broadly similar)	"	EO
– Equal pay for work rated equally on job evaluation schemes	"	EO
– Removal of discriminatory clauses against women in collective agreements	Sex Discrimination A Guide to the Sex Discrimination Act 1975 (HO)	EO
– Direct discrimination illegal – treatment of woman employee or applicant for employment less favourably than man simply on grounds of sex.	Equal Opportunities Guide for Employees (EOC)	EOC
– Indirect discrimination illegal – applying general requirements on employees or applicants for employment which have a discriminatory effect on one sex.	Equal Opportunities Guide for Employers (EOC)	EOC

Area	Booklets	Where obtained
Terms and conditions of employment	Booklet EP 1	EO
– Written information on main terms (for employees working 16 hours a week or more, or 8 hrs and over for 5 years or more)	Individual rights of employees (DE)	EO
– Minimum period of notice of termination, on a prescribed scale for employer	EP 14	EO
Time off for trade union duties and training – See Codes of Practice		
Trade Union Membership and Activities		
– Legal right to trade union membership and activities	EP 7	EO
– Recognition of independent trade unions by employers	EP 7	EO
– Time off for official trade union duties and training with pay	EP 7	EO
– Reasonable time off in working hours for employees to take part in union activities	Code of Practice 3	

Area	Booklets	Where Obtained
Wages and Conditions – entitlement to :		
Disclosure of information by employer to enable trade unions to bargain	EP 1	EO
– Fair Wages – to be paid on government contracts	The Fair Wages Resolution (DE)	EO
– Guarantee payment – minimum payments by employer in case of lay-off or short time	EP 9	EO
– Insolvency payment (if employer insolvent)	EP 3	EO
– Itemised pay statement	EP 8	EO
– Medical Suspension payment right to normal pay if suspended from work on certain specified medical grounds	EP 5	EO
– Statutory minimum wages as determined by Wages Councils	WBCL 1 Statutory Minimum Wages and Holidays with pay (DE)	EO

Area	Booklets	Where Obtained
Welfare – See Health, Safety and Welfare		
Women and Young Persons		
– Restrictions on hours of work and overtime working	Factories Act 1961. Health and Safety at Work Booklet 23: Hours of Employment of Women and Young Persons (DE)	HMSO
Young Persons – see Women and Young Persons		

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ANSWERS TO EXERCISES

Section 1 Question 12, page 37.

i)	Correct	
ii)	Incorrect	See Appendix 1, page 167
iii)	Incorrect	" " " "
iv)	Correct	
v)	Incorrect	See Appendix 1, page 167
vi)	Correct	
vii)	Correct	
viii)	Incorrect	See Appendix 1, page 167
ix)	Incorrect	" " " "
x)	Incorrect	" " " "
xi)	Incorrect	" " " "
xii)	Correct	
xiii)	Incorrect	" " " "
xiv)	Correct	
xv)	Correct	
xvi)	Correct	
xvii)	Incorrect	See Appendix 1, page 167
xviii)	Incorrect	See Appendix 1, page 167
xix)	Correct	
xx)	Correct	

Section 3

Question 12, page 118

i)	Correct	
ii)	Correct	
iii)	Incorrect	See page 93 of manual
iv)	Correct	
v)	Incorrect	See page 96
vi)	Correct	
vii)	Correct	
viii)	Correct	
ix)	Correct	
x)	Incorrect	See page 103
xi)	Correct	
xii)	Incorrect	See page 104
xiii)	Incorrect	See Appendix 3, page 179

Answers cont.....

xiv)	Incorrect	See page 108
xv)	Incorrect	See page 109
xvi)	Correct	
xvii)	Correct	
xviii)	Correct	